

**AGENDA  
BOARD OF SUPERVISORS  
SONOMA COUNTY  
575 ADMINISTRATION DRIVE, ROOM 102A  
SANTA ROSA, CA 95403**

**TUESDAY**

**DECEMBER 19, 2017**

**8:30 A.M.**

Susan Gorin	First District	Sheryl Bratton	County Administrator
David Rabbitt	Second District	Bruce Goldstein	County Counsel
Shirlee Zane	Third District		
James Gore	Fourth District		
Lynda Hopkins	Fifth District		

**Supervisor Gorin will be participating in the meeting  
via teleconference per Gov't. Code Section 54953(b) at this location:**

**103 Basque Drive, Truckee, CA 96161**

This is a simultaneous meeting of the Board of Supervisors of Sonoma County, the Board of Directors of the Sonoma County Water Agency, the Board of Commissioners of the Community Development Commission, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Sonoma County Public Finance Authority, and as the governing board of all special districts having business on the agenda to be heard this date. Each of the foregoing entities is a separate and distinct legal entity.

The Board welcomes you to attend its meetings which are regularly scheduled each Tuesday at 8:30 a.m. Your interest is encouraged and appreciated.

**AGENDAS AND MATERIALS:** Agendas and most supporting materials are available on the Board's website at <http://www.sonoma-county.org/board/>. Due to legal, copyright, privacy or policy considerations, not all materials are posted online. Materials that are not posted are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 575 Administration Drive, Room 100A, Santa Rosa, CA.

**SUPPLEMENTAL MATERIALS:** Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the Board of Supervisors office at 575 Administration Drive, Room 100A, Santa Rosa, CA, during normal business hours.

**DISABLED ACCOMMODATION:** If you have a disability which requires an accommodation, an alternative format, or requires another person to assist you while attending this meeting, please contact the Clerk of the Board at (707) 565-2241 or [bos@sonoma-county.org](mailto:bos@sonoma-county.org) as soon as possible to ensure arrangements for accommodation.

**Public Transit Access to the County Administration Center:**

Sonoma County Transit: Rt. 20, 30, 44, 48, 60, 62

Santa Rosa CityBus: Rt. 14

Golden Gate Transit: Rt. 80

For transit information call (707) 576-RIDE or 1-800-345-RIDE or visit or <http://www.sctransit.com/>

***APPROVAL OF THE CONSENT CALENDAR***

The Consent Calendar includes routine financial and administrative actions that are usually approved by a single majority vote. There will be no discussion on these items prior to voting on the motion unless Board Members request specific items be discussed and/or removed from the Consent Calendar. There will an opportunity for the public to comment on the consent calendar prior to it being voted upon.

***PUBLIC COMMENT***

Any member of the public may address the Board on a matter listed on the agenda. Commenters are requested to fill out a Speaker Card and to come forward to the podium when recognized by the Board Chair. Please state your name and limit your comments to the agenda item under discussion. Available time for comments is determined by the Board Chair based on agenda scheduling demands and total number of speakers.

**8:30 A.M. CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**I. APPROVAL OF THE AGENDA**

(Items may be added or withdrawn from the agenda consistent with State law)

**II. CONSENT CALENDAR**

**REGIONAL PARKS**

**AND**

**AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT/  
SONOMA COUNTY WATER AGENCY/RUSSIAN RIVER COUNTY  
SANITATION DISTRICT / OCCIDENTAL COUNTY SANITATION  
DISTRICT/SOUTH PARK COUNTY SANITATION DISTRICT**

(Directors: Gorin, Rabbitt, Zane, Gore, Hopkins)

**AND**

**SONOMA VALLEY COUNTY SANITATION DISTRICT**

(Directors: Gorin, Zane, Mayor Agrimonti)

1. Concurrent Resolution Making Findings of a Continuing Need to Perform Emergency Work to Stabilize Dangerous Conditions Resulting From the Sonoma Complex Fires  
Adopt a Resolution Doing the Following:
    - A) Making finds that there is an emergency need to stabilize dangerous conditions in and adjacent to County, Agency, and District owned property resulting from the Complex Fire; and
    - B) Suspending Competitive Bidding Requirements; for the Removal of Dangerous Vegetation from County Rights-of-Way Due to the Sonoma Complex Fires; and
    - C) Authorizing the Director of Regional Parks, the General Manager of the Open Space District, and the General Manager of the Water Agency to execute contracts necessary to stabilize dangerous conditions resulting from the Complex Fire; and
    - D) Making an exemption determination under the California Environmental Quality Act; and
    - E) Ratifying any emergency contracts entered into by Director of General Services, the Director of Regional Parks, the Director of Transportation and Public Work, the General Manager of the Open Space District, and the General Manager of the Water Agency relating to these issues.
- (4/5th Vote Required)

**HUMAN RESOURCES**  
**AND**  
**AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT/**  
**SONOMA COUNTY WATER AGENCY**

(Directors: Gorin, Rabbitt, Zane, Gore, Hopkins)

**AND**  
**COMMUNITY DEVELOPMENT COMMISSION**

(Commissioners: Gorin, Rabbitt, Zane, Gore, Hopkins)

2. Amendment to Benefits Consulting Services Agreement:  
Authorize the Director of Human Resources to execute an amendment to the agreement with The Segal Company for employee and retiree benefit consulting, actuarial, and brokerage services extending the term twelve months, from January 1, 2018 through December 31, 2018, with no change to the not to exceed contract amount.

**SONOMA COUNTY WATER AGENCY**

(Directors: Gorin, Rabbitt, Zane, Gore, Hopkins)

3. Hewett Street Property Surplus Property Declaration:  
A) Adopt a Resolution rescinding Resolution Number 15-0190 and determining that the 330 Hewett Street property (Property) is no longer necessary to be retained for the uses and purposes of the Sonoma County Water Agency; and  
B) Authorize the General Manager to take such steps as are necessary to accomplish the sale of the Property as surplus as required by State law, including notifying the appropriate state and local agencies of the Board's determination and availability of the Property.  
(4/5th Vote Required)(Third District)

**AGRICULTURE/WEIGHTS AND MEASURES/ PERMIT AND**  
**RESOURCE MANAGEMENT**

4. Minor and Technical Revisions to the County Code Provisions Governing Vineyard and Orchard Development, Grading, and Drainage:  
Adopt an Ordinance amending Chapter 11 of the Sonoma County Code to regulate only construction grading and drainage, adding Chapter 36 to the Sonoma County Code to regulate vineyard and orchard development and agricultural grading and drainage, and determining exemption from the California Environmental Quality Act.

**COUNTY ADMINISTRATOR**  
**AND**  
**AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT/**  
**SONOMA COUNTY WATER AGENCY**

(Directors: Gorin, Rabbitt, Zane, Gore, Hopkins)

5. New Recovery and Resiliency Program:  
Adopt a Concurrent Resolution Creating the Office of Recovery and Resiliency.

**COUNTY ADMINISTRATOR/COUNTY COUNSEL/HEALTH SERVICES**

6. Extension of Joint Proclamation of Local Health Emergency Issued by County Health Officer and County Environmental Health & Safety Officer:  
Receive a status report on the Debris Clean-Up Efforts in the Wake of the Complex Fire and Adopt a Resolution Extending the Joint Proclamation of Local Health Emergency Issued by the County Health Officer and the County Environmental Health & Safety Officer to Ensure the Safe Removal of Debris Caused by the Complex Fire. (4/5th Vote Required)

**GENERAL SERVICES/TRANSPORTATION AND PUBLIC WORKS**

7. Resolution Terminating (i) the Suspension of Competitive Bidding Requirements to Perform Emergency Work to Stabilize and Abate Dangerous Conditions from County Rights-of-Way and other County Property and (ii) the Corresponding Delegation of Authority to the Directors of General Services and of Transportation and Public Works:  
Adopt a Resolution Terminating (i) the Suspension of Competitive Bidding Requirements to Perform Emergency Work to Stabilize and Abate Dangerous Vegetation from County Rights-of-Way and (ii) the authority delegated to the Directors of the Department of General Services and the Department Transportation and Public Works to enter into contracts for the abatement of dangerous conditions without advertising for bids. (4/5<sup>th</sup> Vote Required)

**PERMIT AND RESOURCE MANAGEMENT**

8. Planning Consultant Contract Amendment – Land Logistics:  
Authorize the Director of Permit Sonoma to execute an amendment to an agreement with planning consultant, Land Logistics, Inc., extending the term from June 22, 2018 to December 31, 2019, and increasing the contract amount by \$400,000 resulting in a new not-to-exceed amount of \$760,000 (costs to be reimbursed by project applicants).
9. Planning Consultant Contract Amendment – e360 LLC:  
Authorize the Director of Permit Sonoma to execute an amendment to an agreement with planning consultant, e360 LLC, extending the term from September 30, 2018 to December 31, 2019, and increasing the contract amount by \$400,000 resulting in a new not-to-exceed amount of \$575,000 (costs to be reimbursed by project applicants).
10. Land Conservation Act Contract; Peter Michael Winery, a California Corporation; AGP14-0201:  
Adopt a resolution to approve the requested Land Conservation Contract replacement (Williamson Act Contract) and attached Land Conservation Plan for the property located at 12400 Ida Clayton Road, Calistoga, APN: 120-040-019, -018, & -015; Supervisorial District 4; PRMD File No. AGP14-0201. (Fourth District)

**APPOINTMENTS/ REAPPOINTMENTS**

11. Approve the appointment of Caryl Hart to the North Coast Railroad Authority Board for a 2 year period ending on December 19, 2019. (Third District)

**III. BOARD MEMBER REPORTS ON ASSIGNED BOARDS, COUNCILS, COMMISSIONS OR OTHER ATTENDED MEETINGS**

## IV. REGULAR CALENDAR

### HUMAN SERVICES

12. Receive update on Sonoma County 2-1-1:  
Accept information report on the current status, challenges and future of Sonoma County's 2-1-1 Information and Referral system.
13. **PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA  
BUT WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD  
AND ON BOARD MEMBER REPORTS**  
(Any member of the public may address the Board on a matter not listed on the agenda as long as the subject matter is within the jurisdiction of the Board. Commenters are requested to fill out a Speaker Card and to come forward to the podium when recognized by the Board Chair. Please state your name and limit your comments to matters within the Board's jurisdiction. Available time for comments is determined by the Board Chair based on agenda scheduling demands and total number of speakers. When this item is scheduled, the Board generally will hear public comments for up to twenty minutes. Available time for comments is determined by the Board Chair based on agenda scheduling demands and total number of speakers. Any additional non-agendized item speakers will be heard following consideration of the agendized matters. While members of the public are welcome to address the Board, under the Brown Act open meeting laws, Board members may not deliberate or take action on items not on the agenda.)
14. Permit and Resource Management Department: Review and possible action on the following:  
Acts and Determinations of Planning Commission/Board of Zoning Adjustments  
Acts and Determinations of Project Review and Advisory Committee  
Acts and Determinations of Design Review Committee  
Acts and Determinations of Landmarks Commission  
Administrative Determinations of the Director of Permit and Resource Management  
(All materials related to these actions and determinations can be reviewed at:  
<http://www.sonoma-county.org/prmd/b-c/index.htm>)
15. **ADJOURNMENT**  
**NOTE: The next Board Meeting will be a Special Meeting held on December 29, 2017 at 8:30 a.m.**

**The next Regular Board Meeting will be held on January 9, 2018 at 8:30 a.m.**

**Upcoming Hearings** (All dates are tentative until each agenda is finalized)



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 1**  
(This Section for use by Clerk of the Board Only.)

**To:** Sonoma County Board of Supervisors, Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, Board of Directors of the Sonoma County Water Agency, Board of Directors of the Russian River County Sanitation District, Board of Directors of the Occidental County Sanitation District, Board of Directors of the Sonoma Valley County Sanitation District, and Board of Directors of the South Park County Sanitation District

**Board Agenda Date:** December 19, 2017

**Vote Requirement:** 4/5

**Department or Agency Name(s):** Regional Parks, Sonoma County Agricultural Preservation and Open Space District, Sonoma County Water Agency, Russian River County Sanitation District Property, Occidental County Sanitation District, Sonoma Valley County Sanitation District, and South Park County Sanitation District

**Staff Name and Phone Number:**

Bert Whitaker, 565-3064  
Bill Keene, 565-7348  
Michael Thompson, 547-1911

**Supervisory District(s):**

All

**Title:** Concurrent Resolution Making Findings of a Continuing Need to Perform Emergency Work to Abate and Stabilize Dangerous Conditions Resulting From the Sonoma Complex Fires.

### Recommended Actions:

Board of Supervisors and the respective Boards of Directors Adopt a Concurrent Resolution:

- 1) Making findings that there is a continuing emergency need to abate and stabilize dangerous conditions resulting from the Sonoma Complex Fires; and
- 2) Extending the suspension of the requirements for competitive bidding; and
- 3) Authorizing the County Director of Regional Parks, and the General Managers of the Sonoma County Agricultural Preservation and Open Space District and the Sonoma County Water Agency, to execute contracts necessary to abate and stabilize dangerous conditions resulting from the Sonoma Complex Fires; and
- 4) Making an exemption determination under the California Environmental Quality Act; and
- 5) Ratifying any emergency contracts entered into by Director of Regional Parks, or the General Managers of the Sonoma County Agricultural Preservation and Open Space District and the Sonoma County Water Agency relating to these issues. [4/5ths vote required]

**Executive Summary:**

This joint item requests the Board of Supervisors and Boards of Directors for the Sonoma County Agricultural Preservation and Open Space District (“District”), Sonoma County Water Agency, Russian River County Sanitation District, Occidental County Sanitation District, Sonoma Valley County Sanitation District, and South Park County Sanitation District (collectively “Water Agency”) adopt a concurrent resolution finding and declaring a continuing emergency need to abate and stabilize dangerous conditions resulting from the Sonoma Complex Fires; extending the suspension of the requirements for competitive bidding; authorizing the Director of Regional Parks, the General Manager of Sonoma County Agricultural Preservation and Open Space District Property, and the General Manager of the Sonoma County Water Agency to execute contracts as necessary to abate and stabilize dangerous conditions resulting from the Sonoma Complex Fires; making an exemption determination under the California Environmental Quality Act (“CEQA”) due to damages arising from multiple complex fires that began on Sunday, October 8, 2017, causing extreme property damage and health and safety concerns; and ratifying emergency contracts entered into by Director of Regional Parks, General Manager of the District and General Manager of the Water Agency related to these issues.

**Discussion:**

The Sonoma Complex Fires began on Sunday, October 8, 2017. In response, the Emergency Operations Center (EOC) was activated at approximately 12:00 a.m. on Monday, October 9, 2017, to assist with managing the impacts. The County Administrator/Director of Emergency Services issued a Proclamation of Existence of Local Emergency in Sonoma County Operational Area in the early morning hours of Monday, October 9, 2017, as soon as reports of quickly-moving fires and health and safety concerns arrived. Later that day, the County Administrator supplemented that Proclamation and requested state and federal assistance. The Board of Supervisors, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, and the Board of Directors of the Sonoma County Water Agency ratified the Proclamation on October 10, 2017, and subsequently extended the proclamation of local emergency for 30 days on November 7, 2017.

As a result of the Sonoma Complex Fires, dangerous conditions have arisen on numerous properties owned or maintained by the County, the District, and the Water Agency that were sudden and unexpected, and pose a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. These dangerous conditions include, but are not limited to, the following:

There is an immediate and continuing need for the removal of dangerous conditions on County property, District Property, and property owned or operated by the Sonoma County Water Agency, including but not limited to the removal of compromised trees. The purpose is to protect first responders, staff and the public from falling limbs and collapsing trunks. Additionally, critical access will be maintained to areas still affected by fires ensuring that first responders have as many access points to attack fires and protect property as possible. This operation exceeds the capacity of County, District and/or Water Agency forces and would pull staff from conducting necessary ongoing emergency operations.

Fire damaged hillsides and slopes are unstable due to a loss of brush and tree cover which would normally prevent erosion and slides. There is an urgent need for action to remove compromised trees and stabilize

those areas before the winter rains to stabilize the slopes. One stabilization process, the hydroseeding process, can cover a large area rapidly and is a process that allows plants to germinate quickly, providing some relief from this danger. The scope of this work would extend to all fire affected areas of the unincorporated county and would emphasize areas where upslope fire damage makes slides a particular risk to people, structures, and infrastructure such as roads and utilities. The County, District and Water Agency do not have the capacity and/or expertise to deliver these safety measures and would normally issue a notice inviting bids to hire a contractor. The normal contracting process takes two to three months from a minimum advertising period through assessing bids and awarding and executing contracts. This delay would mean that it would not be possible to perform necessary work to critical areas prior to the onset of wet, winter weather.

Additionally, the Water Agency operates and manages several sanitation districts or zones within the County of Sonoma, including the Russian River County Sanitation District Property, Occidental County Sanitation District, Sonoma Valley County Sanitation District, South Park County Sanitation District, Airport/Larkfield/Wikiup Sanitation Zone, Geyserville Sanitation Zone, Penngrove Sanitation Zone and Sean Ranch Sanitation Zone. As a result of the Sonoma Complex fires, there is an immediate risk to safety and public health if hazardous waste enters the sanitation systems because it could disrupt the sanitation plants and/or pass through the sanitation system and be disbursed into county watersheds. Therefore, there is an urgent need to plug sewer laterals on private property to prevent any hazardous waste from entering the system. The normal contracting process takes two to three months from a minimum advertising period through assessing bids and awarding and executing contracts. This delay would mean that it would not be possible to perform necessary preventative measures to protect public health and safety in a timely manner.

While the fires have been contained, the clean-up efforts are still ongoing. The County, the District, and the Water Agency have made significant strides in their efforts to remove compromised trees and dangerous conditions from public property. Despite this progress, there remains a continuing and immediate need to take additional action to abate dangerous conditions on County, District, and Water Agency properties and to stabilize denuded hillsides, embankments, and fire burned areas caused by the Sonoma Complex Fires in order to protect public safety and preserve County, District, and Water Agency property from debris flows anticipated with the onset of rainy season. The rainy season officially began on November 1, and a series of storms have already dropped up to three inches of rain on the fire burned areas. The purpose is to protect staff and the public from uncontrolled debris flow and mudslides. Additionally, critical access will be maintained to areas still impacted by the fires ensuring that residents and the debris removal teams have as many access points to remove the debris caused by the Complex Fires and protect property as possible. As long as the fire debris remains on the ground, it poses an imminent and extensive threat to public health and safety, the environment (including creating serious concerns for water quality and supply due to the presence of hazardous materials and the damage to sewer service laterals), public infrastructure, and undamaged property. This operation exceeds the capacity of County forces and would pull staff from conducting necessary ongoing recovery operations.

The normal contracting process takes two to three months from a minimum advertising period through assessing bids and awarding and executing contracts. This delay would mean that it would not be possible to provide the necessary public services needed to protect public health and safety in a timely manner.



Public Contract Code section 22050 authorizes the County, the District, and the Water Agency to enter into contracts for public projects as may be necessary to mitigate emergency conditions without giving notice for bids. Additionally, pursuant to Public Contract Code Section 22035, this emergency work may proceed without adopting plans or specifications. If approved, this item will be brought back to the Board every 14 days thereafter to determine [by 4/5 vote] if there is a need to continue the action without competitive bidding. The Boards are obligated to terminate the waiver of the bid process at the earliest possible date that conditions warrant so that the remainder of the work may be completed under the bid process.

Staff recommend making a finding in the resolution that the requirements of CEQA do not apply because the emergency work is exempt because the emergency described above came about in a “sudden and unexpected manner” and poses an “imminent danger, demanding immediate action to prevent or mitigate” loss of life and property as those phrases are used in the definition of the word “emergency” contained in section 15359 of the California Administrative Code and as the word “emergency” is used in sections 210801(b)(2) and (b)(4) of the Public Resources Code; however the Director of Regional Parks, General Manager of the District and General Manager of the Water Agency shall, to the extent they deems feasible in their sole discretion, take steps to mitigate any apparent and significant environmental impacts of the work authorized herein.

Staff recommends ratifying any contracts for the removal/stabilization of dangerous conditions, or related emergency issues described herein, entered into by Director of Regional Parks, General Manager of the District and General Manager of the Water Agency subsequent to the drafting this report to the date of this Board action.

#### **Prior Board Actions:**

11/7/17, 11/21/17, and 12/5/17: The Board of Supervisors and the Boards of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Sonoma County Water Agency, the Russian River County Sanitation District, the Occidental County Sanitation District, the Sonoma Valley County Sanitation District, and the South Park County Sanitation District adopted Resolution No. 17-0433, 17-0452, and 17-0454, respectively, extending emergency contracting authority for 14 days pursuant to California Public Contracts Code section 22050.

10/31/17: The Board of Supervisors adopted Resolution No. 17-0427 extending the delegation of emergency contracting authority to the Director of Transportation and Public Works.

10/24/17: The Board of Supervisors and the Boards of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Sonoma County Water Agency, the Russian River County Sanitation District, the Occidental County Sanitation District, the Sonoma Valley County Sanitation District, and the South Park County Sanitation District adopted Resolution No. 17-0415.

10/17/17: The Board of Supervisors adopted Resolution No. 17-0392 delegating emergency contracting authority to the Director of Transportation and Public Works.

#### **Strategic Plan Alignment      Goal 1: Safe, Healthy, and Caring Community**

Adopting a resolution waiving competitive bidding due to the local emergency helps to ensure the safety of the community by removing and/or stabilizing dangerous conditions that pose a safety threat to the public and ensuring the continued provision of essential public services.

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			
<b>Narrative Explanation of Fiscal Impacts:</b>			
<b>Staffing Impacts</b>			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
<b>Attachments:</b>			
Attachment A: Resolution Suspending Competitive Bidding Due to Local Emergency			
<b>Related Items “On File” with the Clerk of the Board:</b>			



County of Sonoma  
State of California

Resolution No.

575 Administration Drive  
Santa Rosa, California

Date: 12/19/2017

**CONCURRENT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, THE BOARD OF DIRECTORS OF THE SONOMA COUNTY AGRICULTURAL AND OPEN SPACE DISTRICT, THE BOARD OF DIRECTORS OF THE SONOMA COUNTY WATER AGENCY, THE BOARD OF DIRECTORS OF THE RUSSIAN RIVER COUNTY SANITATION DISTRICT, THE BOARD OF DIRECTORS OF THE SOUTH PARK COUNTY SANITATION DISTRICT, THE BOARD OF DIRECTORS OF THE OCCIDENTAL COUNTY SANITATION DISTRICT, AND THE BOARD OF DIRECTORS OF THE SONOMA VALLEY COUNTY SANITATION DISTRICT FINDING AND DECLARING A CONTINUING EMERGENCY NEED TO ABATE AND STABILIZE DANGEROUS CONDITIONS ON AND ADJACENT TO PUBLIC PROPERTY, EXTENDING THE SUSPENSION OF THE REQUIREMENT OF COMPETITIVE BIDDING, DELEGATING AUTHORITY TO EXECUTE CONTRACTS FOR THE WORK, RATIFYING ANY CONTRACTS MADE BY THE COUNTY DIRECTOR OF REGIONAL PARKS, AND/OR THE GENERAL MANAGERS OF THE SONOMA COUNTY AGRICULTURAL PRESERVATION AND OPEN SPACE DISTRICT OR THE SONOMA COUNTY WATER AGENCY, AND MAKING A DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (4/5THS VOTE REQUIRED)**

**WHEREAS**, conditions of extreme peril to the safety of persons and property arose within the County of Sonoma caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fires, commencing on or about midnight on the 8<sup>th</sup> day of October, 2017, at which time the Board of Supervisors, and the Board of Directors for the Sonoma County Agricultural and Open Space District ("District"), the Board of Directors for the Sonoma County Water Agency, the Board of Directors of the Russian River County Sanitation District, the Board of Directors of the South Park County Sanitation District, the Board of Directors of the Occidental County Sanitation District, and the Board of Directors of the Sonoma Valley County Sanitation District (collectively "Water Agency") were not in session; and

**WHEREAS**, the County Administrator of the County of Sonoma did proclaim the existence of a local emergency within the Sonoma County Operational Area on the 9th day of October, 2017 and then made another proclamation with a request that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

**WHEREAS**, on October 10, 2017, the Sonoma County Board of Supervisors, Board of Directors of the District, and the Board of Directors of the Sonoma County Water Agency ratified the Proclamation, to continue the local emergency, make available to the County/Operational Area state and local mutual aid, and allow for any state emergency funding if it is made available; and

**WHEREAS**, the scope of disaster caused by the fast-moving and widespread scope of the destruction of the fire, including loss of many homes and evacuation of thousands of people, has caused the Governor of the State of California to proclaim a State of Emergency and declare eligibility for Fire Management Assistance Grant and other relief programs and the President of the United States to approve a Major Disaster Declaration making federal funding available; and

**WHEREAS**, as a result of the Sonoma Complex Fires, dangerous conditions have arisen on numerous properties owned or maintained by the County, the District and the Water Agency that were sudden and unexpected, and pose a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services; and

**WHEREAS**, many County, District, and Water Agency owned or maintained properties have been damaged by the fires, including hillsides and slopes that are unstable due to a loss of brush and tree cover which would normally prevent erosion and slides, and there is an urgent need for action to stabilize those areas before the winter rains; and

**WHEREAS**, the Water Agency operates and manages several sanitation districts or zones within the County of Sonoma, including the Russian River County Sanitation District Property, Occidental County Sanitation District, Sonoma Valley County Sanitation District, South Park County Sanitation District, Airport/Larkfield/Wikiup Sanitation Zone, Geyserville Sanitation Zone, Penngrove Sanitation Zone and Sean Ranch Sanitation Zone. As a result of the Sonoma Complex Fires, there is an immediate risk to safety and public health if hazardous waste enters the sanitation systems because it could disrupt the sanitation plants and/or pass through the

sanitation systems and be disbursed into county watersheds. Therefore, there is an urgent need to plug sewer laterals on private property to prevent any hazardous waste from entering the systems; and

**WHEREAS**, the dangerous conditions that have arisen require the immediate abatement and removal of these comprised trees and other dangerous conditions to protect to protect public safety and preserve County, District, and Water Agency property from debris flows anticipated with the imminent onset of the rainy season; and

**WHEREAS**, the rainy season officially began on November 1, and a series of storms have already dropped up to six inches of rain on the fire burned areas; and

**WHEREAS**, the Board of Supervisors and Boards of Directors previously adopted a concurrent Resolution No. 17-0415 delegating emergency contracting authority to the Directors of General Services, Regional Parks, and Transportation and Public Works, and the General Managers of the District and Water Agency pursuant to California Public Contract Code section 22050 and subsequently extended the delegation of emergency contracting authority for 14 days through the adoption of concurrent Resolution No. 17-0433 on November 7, 2017, the adoption of concurrent Resolution No. 17-0452 on November 21, 2017, and most recently through the adoption concurrent Resolution No. 17-0454 on December 5, 2017; and

**WHEREAS**, as long as these dangerous conditions remain on or adjacent to County, District, and Water Agency property, they pose an imminent and extensive threat to public health and safety, the environment (including creating serious concerns for water quality and supply due to the presence of hazardous materials and the damage to sewer service laterals), public infrastructure, and undamaged property; and

**WHEREAS**, the County, the District, and the Water Agency do not have the capacity and/or expertise to deliver these safety measures and would normally issue a notice inviting bids to hire a contractor; and

**WHEREAS**, the normal contracting process takes two to three months from a minimum advertising period through assessing bids and awarding and executing contracts; and

**WHEREAS**, this delay would mean that it would not be possible remove and stabilize the dangerous conditions or provide the necessary public services needed to protect public health and safety in a timely manner; and

**WHEREAS**, these Boards find, based upon substantial evidence, that the emergency will not permit a delay resulting from a formal competitive solicitation for bids and this action is necessary to respond to an emergency;

**NOW, THEREFORE, BE IT RESOLVED** that these Boards hereby concurrently find, declare, determine and order as follows:

1. *Correctness of Recitations.* That the foregoing recitations are true and correct and incorporated herein. Substantial evidence exists that the emergency created by the Sonoma Complex Fires will not permit a delay resulting from competitive solicitation of binds. This action is necessary to respond to the emergency; and
2. *Delegation of Authority.* That the Director of Regional Parks, and the General Managers of the District and Water Agency, with the assistance of County Counsel, are authorized to enter into contracts with contractors and to take such other action as they deems reasonable and necessary to immediately remove and stabilize dangerous conditions on and along property owned or maintained by the County, District or Water Agency to protect the public health and safety, and to protect property owned or maintained Sonoma County Water Agency property and to install the necessary utilities needed to provide essential public services; provided that the authority hereby delegated is limited to the incurring of obligation in an amount not to exceed \$100,000 per contract for the Director of Regional Parks, an amount not to exceed \$45,000 per contract for the General Manager of the District, and in an amount not to exceed \$750,000 per contract for the General Manager of the Water Agency; and
3. *Suspension of Competitive Bidding.* That the requirements of public bidding contained in the Public Contract Code, should such requirements have been applicable absent an emergency, are suspended because of the existence of the dangerous conditions in and along numerous properties owned or maintained by the County, District or Water Agency which could constitute a great public calamity and the immediate need to undertake work to remove the dangerous conditions and stabilize the property, or to install utilities needed to provide essential public services, but that this suspension shall be limited to work deemed reasonable and necessary by the Directors of General Services and Regional Parks, and the General Managers of the District and Water Agency to protect property and to provide continuity of public services; and

4. *Directors' and General Managers' duty to Coordinate and Report.* That the Director of Regional Parks, and the General Managers of the District and Water Agency, are directed, while carrying out the authority delegated by this resolution, to:
  - a. Coordinate their activities as they deem necessary with the staff of the County of Sonoma, District and/or Water Agency and other affected and interested public regulatory agencies and public utilities; and
  - b. Report to these Boards on actions taken pursuant to this resolution and other matters related to this emergency every 14 days; and
  - c. To inspect, observe and prepare a post work report;
5. *Determination of CEQA Exemption.* That the requirements of CEQA do not apply because the emergency work is exempt because the emergency described above came about in a "sudden and unexpected manner" and poses an "imminent danger, demanding immediate action to prevent or mitigate" loss of life and property as those phrases are used in the definition of the word "emergency" contained in section 15359 of the California Administrative Code and as the word "emergency" is used in sections 210801(b)(2) and (b)(4) of the Public Resources Code; however the Director of Regional Parks, and the General Managers of the District and Water Agency shall, to the extent they deem feasible in their sole discretion, take steps to mitigate any apparent and significant environmental impacts of the work authorized herein.
6. *Notice of CEQA Exemption.* This resolution shall constitute a notice of exemption from the requirements of the California Environmental Quality Act;
7. *Ratification of Prior Actions.* All acts by the Director of Regional Parks, the General Manager of the Sonoma County Agricultural Preservation and Open Space District, and the General Manager of the Sonoma County Water Agency pursuant to the Proclamation of Local Emergency for the Sonoma Complex Fires are also hereby ratified.

**PASSED AND ADOPTED** by these Boards this 19th day of December, 2017.

**BOARD OF SUPERVISORS:**

Gorin            Rabbitt            Gore            Hopkins            Zane

Ayes\_\_\_\_\_ Noes\_\_\_\_\_ Absent\_\_\_\_\_ Abstain\_\_\_\_\_

**SO ORDERED**

Resolution No. \_\_\_\_\_

**BOARD OF DIRECTORS OF THE SONOMA COUNTY AGRICULTURAL AND OPEN SPACE DISTRICT:**

Gorin            Rabbitt            Gore            Hopkins            Zane

Ayes\_\_\_\_\_ Noes\_\_\_\_\_ Absent\_\_\_\_\_ Abstain\_\_\_\_\_

**SO ORDERED**

Resolution No. \_\_\_\_\_

**BOARD OF DIRECTORS OF THE SONOMA COUNTY WATER AGENCY:**

Gorin            Rabbitt            Gore            Hopkins            Zane

Ayes\_\_\_\_\_ Noes\_\_\_\_\_ Absent\_\_\_\_\_ Abstain\_\_\_\_\_

**SO ORDERED**

Resolution No. \_\_\_\_\_

**BOARD OF DIRECTORS OF THE RUSSIAN RIVER COUNTY SANITATION DISTRICT:**

Gorin            Rabbitt            Gore            Hopkins            Zane

Ayes\_\_\_\_\_ Noes\_\_\_\_\_ Absent\_\_\_\_\_ Abstain\_\_\_\_\_

**SO ORDERED**

Resolution No. \_\_\_\_\_

**BOARD OF DIRECTORS OF THE SOUTH PARK COUNTY SANITATION DISTRICT:**

Gorin            Rabbitt            Gore            Hopkins            Zane



Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_ Abstain \_\_\_\_\_

**SO ORDERED**

Resolution No. \_\_\_\_\_

**BOARD OF DIRECTORS OF THE OCCIDENTAL COUNTY SANITATION DISTRICT:**

Gorin            Rabbitt            Gore            Hopkins            Zane

Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_ Abstain \_\_\_\_\_

**SO ORDERED**

Resolution No. \_\_\_\_\_

**BOARD OF DIRECTORS OF THE SONOMA VALLEY COUNTY SANITATION**

Gorin            Hundley            Zane

Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_ Abstain \_\_\_\_\_

**SO ORDERED**

Resolution No. \_\_\_\_\_



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 2**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors of the County of Sonoma  
Board of Directors of the Sonoma County Water Agency  
Board of Directors of the Sonoma County Agricultural Preservation and Open Space District  
Board of Commissioners of the Community Development Commission

**Board Agenda Date:** December 19, 2017

**Vote Requirement:** Majority

**Department or Agency Name(s):** Human Resources

**Staff Name and Phone Number:**

Marcia Chadbourne 565-2473

**Supervisory District(s):**

All

**Title:** Amendment to Benefits Consulting Services Agreement

### **Recommended Actions:**

Authorize the Director of Human Resources to execute an amendment to the agreement with The Segal Company for employee and retiree benefit consulting, actuarial, and brokerage services extending the term twelve months, from January 1, 2018 through December 31, 2018, with no change to the not to exceed contract amount.

### **Executive Summary:**

The requested Board action authorizes the Human Resources Director to execute an amendment to the agreement with Segal Consulting for benefit consulting and actuarial services. Segal was selected through a Request for Proposal process conducted in September, 2013 and your Board previously authorized an initial four year agreement from January 1, 2014 through December 31, 2017. Extending the term of the agreement an additional twelve months through December 31, 2018 provides continuity of current benefit services supporting upcoming labor negotiations, and projects involving the Joint Labor Management Benefits Committee. In 2018, staff will work with the Joint Labor Management Benefits Committee to conduct an updated Request for Proposal to select a new consultant. The amendment extends the term of the agreement to five years and includes other administrative amendments pursuant to the County's Purchasing standards, such as the Living Wage Ordinance. There is no change to the current fee schedule and no increase in the maximum contract amount.

### **Discussion:**

Human Resources, Employee Benefits Unit is responsible for management and administration of the County's health and welfare benefit programs for employees, retirees and their eligible dependents. As part of that responsibility, the County contracts with benefit consultants to assist the County in maintaining benefit programs that are competitively priced, meeting the needs of County employees,

retirees and dependents, and are innovative and comprehensive to attract human resource talent making the County an employer of choice.

Segal Consulting was selected through a comprehensive Request for Proposal process conducted in 2013. Services provided by the Segal team include consultation on all benefit programs, in depth analysis of current industry comparative cost trends in the public and private sectors, and information on benefit industry best practices. Due to the complexity and scope of many of the County's benefit programs, Segal keeps the County apprised on all regional, State and Federal legislative changes impacting benefits, and has provided the County with invaluable support and analysis of the continuing changes, particularly regarding the Federal Affordable Care Act. Segal performs actuarial analysis of the County's self-insured health plans and annual valuations of Other Post-Employment Benefits (OPEB) as required by the Governmental Accounting Standards Board. Segal staff also actively participates and provides support to the Joint Labor Management Benefits Committee. . The amendment extends the term of the agreement an additional 12 months and includes other administrative amendments pursuant to the County's Purchasing standards, such as the Living Wage Ordinance. There is no change to the current fee schedule and no increase in the maximum contract amount.

Segal is a national benefits consulting firm and currently is the primary benefits consultant to the counties of Kern, Marin, San Bernardino, the cities of Oakland, Bakersfield, Napa, and Ventura, as well as for the Los Angeles Unified School District and the State of Hawaii. Nationally, the firm provides consultant services to over 400 public sector entities. Based upon their reputation and the quality of work performed, Segal has developed a trusting relationship with the County and with labor representatives and is a valuable business partner, whether presenting information as part of labor negotiations, or working on a benefits analysis project with the Joint Labor Management Benefits Committee(JLMBC).

**Prior Board Actions:**

12/10/2013: Approved initial agreement with Segal Consulting

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

Maintaining competitive and affordable benefits meets the health needs of County employees, retirees and their eligible dependents.

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected*	FY 19-20 Projected*
Budgeted Expenses	245,000	245,000	245,000
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>245,000</b>	<b>245,000</b>	<b>245,000</b>
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	245,000	245,000	245,000
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>245,000</b>	<b>245,000</b>	<b>245,000</b>
<b>Narrative Explanation of Fiscal Impacts:</b>			
All administrative costs to support Benefits Administration is allocated to County departments and agencies by through the Benefits Administration rate based upon full time equivalent( FTE), and to the Medical Retiree Clearing Trust allocated by the number of retirees enrolled in medical benefits. Current rates support these services and have been approved by the Board of Supervisors. *Projected future costs will be determined based upon the outcome of a competitive Request for Proposal process.			
<b>Staffing Impacts</b>			
<b>Position Title</b> (Payroll Classification)	<b>Monthly Salary Range</b> (A – I Step)	<b>Additions</b> (Number)	<b>Deletions</b> (Number)
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
Not applicable.			
<b>Attachments:</b>			
Amendment to Agreement for Benefit Consulting Services			
<b>Related Items “On File” with the Clerk of the Board:</b>			
Segal Consulting Agreement			

**FIRST AMENDMENT TO COUNTY OF SONOMA / THE SEGAL GROUP, INC.  
BENEFITS CONSULTING SERVICES AGREEMENT**

This First Amendment (the "Amendment"), made this January 2, 2018, is by and between the County of Sonoma, a political subdivision of the State of California ("County"), and **The Segal Group, Inc., a Delaware Corporation** ("Consultant"). All capitalized terms used herein shall, unless otherwise defined, have the meaning ascribed to those terms in the existing agreement.

**R E C I T A L S**

WHEREAS, it was necessary and desirable to employ the services of Consultant to provide professional consulting services in the areas of employee and retiree benefits consulting, brokerage, and actuarial and other related services; and

WHEREAS, as a result of a Request for Proposal process conducted in 2013, Segal Consulting (formerly The Segal Group) were selected and the Board authorized the Human Resources Director to execute an initial agreement for the term January 1, 2014 through December 31, 2017; and

WHEREAS, County has been satisfied with the services of Consultant and desires to amend the Agreement extending the term of the Agreement for an additional one year period from January 1, 2018 to December 31, 2018 and revising the **Exhibit B**, Fee Schedule, to reallocate unused funds from Investment and Optional Retirement Services to Benefits Consultation Actuarial Services.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

**A G R E E M E N T**

1. Section 2. Payment. **Exhibit B**, Fee Schedule, of the Agreement is amended to reallocate \$245,000 from Investment and Optional Retirement Services to Benefits Consultation and Actuarial Services for the term January 1, 2018 through December 31, 2018 as stated in the attached revised Fee Schedule.

2. Section 3. Term of Agreement of the Agreement is amended to reflect that the termination date of the Agreement shall be **December 31, 2018**, unless terminated earlier in accordance with the terms of the Agreement.

3. Section 9.7 Statutory Compliance/Living Wage Ordinance. Consultant agrees to comply, and to ensure compliance by its subconsultants or subcontractors, with all applicable federal, state and local laws, regulations, statutes and policies, including but not limited to the County of Sonoma Living Wage Ordinance, applicable to the services provided under this Agreement as they exist now and as they are changed, amended or modified during the term of this Agreement. Without limiting the generality of the foregoing, Consultant expressly acknowledges and agrees that this Agreement may be subject to the provisions of Article XXVI of Chapter 2 of the Sonoma County Code, requiring payment of a living wage to covered employees. Noncompliance during the term of the Agreement will be considered a material breach and may result in termination of the Agreement or pursuit of other legal or administrative remedies.

4. 13.7 Merger. This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. Each Party acknowledges that, in entering into this Agreement, it has not relied on any representation or undertaking, whether oral or in writing, other than those which are expressly set forth in this Agreement. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by both parties.

5. Except to the extent the Agreement is specifically amended or supplemented hereby, the Agreement and previous amendments, together with exhibits are, and shall continue to be, in full force and effect as originally executed, and nothing contained herein shall, or shall be construed to modify, invalidate or otherwise affect any provision of the Agreement, as amended, or any right of County arising thereunder.

6. This Amendment shall be governed by and construed under the internal laws of the State of California, and any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in the County of Sonoma.

COUNTY AND CONSULTANT HAVE CAREFULLY READ AND REVIEWED THIS AMENDMENT AND EACH TERM AND PROVISION CONTAINED HEREIN AND, BY EXECUTION OF THIS AMENDMENT, SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment the day and year first above written.

DATED: \_\_\_\_\_

**THE SEGAL GROUP, INC.**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

DATED: \_\_\_\_\_

**COUNTY OF SONOMA**

By: \_\_\_\_\_

Christina Cramer

Director of Human Resources

APPROVED AS TO FORM BY  
COUNTY COUNSEL

DATED: \_\_\_\_\_

By: \_\_\_\_\_

County Counsel

CERTIFICATES OF INSURANCE ON  
FILE WITH AND APPROVED AS TO  
SUBSTANCE BY DEPARTMENT:

DATED: \_\_\_\_\_

By: \_\_\_\_\_

Christina Cramer

Director of Human Resources

**EXHIBIT B**  
**THE SEGAL GROUP, INC.**  
**FEE SCHEDULE**  
**1/1/18 TO 12/31/18**

**1. Maximum Fees**

- a. For all services provided by the Consultant listed in **Exhibit A**, Scope of Services, specifically related to 1) General Services, 2) Benefit Consultation Services, 3) Brokerage Services and 4) Actuarial Services, the maximum fees payable under this agreement will not exceed \$245,000 in calendar year January 1, 2018 to December 31, 2018 and will not exceed a total of \$1,225,000 for the period of January 1, 2014 to December 31, 2018.
- b. For all services provided by the Consultant listed in **Exhibit A**, Scope of Services, specifically related to 5) Investment and Optional Retirement Services, the maximum fees payable will not exceed \$47,000 for the period of January 1, 2018 to December 31, 2018:

**2. Hourly Rates**

The County will be charged on an hourly basis for services based on the Contractor's professional performing the work, as directed by County. The hourly rates are defined below:

<b>Position</b>	<b>Segal Hourly Rates 01/01/2014 through 12/31/2018</b>
Principle, Senior Vice President	\$ 400
Consultant	\$ 311
Health Actuary, Health Benefits Manager	\$ 311
Segal Rogerscasey VP or SVP	\$ 350
Senior Health Benefits Advisor	\$ 289
Health Benefits Advisor	\$ 249
Actuarial Manager, VP	\$ 400
Consulting Actuary, Vice President	\$ 311
Compliance Consultant	\$ 334
Communications Senior Consultant	\$289



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 3**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Directors, Sonoma County Water Agency

**Board Agenda Date:** December 19, 2017

**Vote Requirement:** 4/5

**Department or Agency Name(s):** Sonoma County Water Agency

**Staff Name and Phone Number:**

Kevin Campbell 547-1921

**Supervisory District(s):**

Third

**Title:** Hewett Street Property Surplus Property Declaration

### Recommended Actions:

- A. Adopt a Resolution rescinding Resolution Number 15-0190 and determining that the 330 Hewett Street property (Property) is no longer necessary to be retained for the uses and purposes of the Sonoma County Water Agency; and
- B. Authorize the General Manager to take such steps as are necessary to accomplish the sale of the Property as surplus as required by State law, including notifying the appropriate state and local agencies of the Board's determination and availability of the Property.

### Executive Summary:

This item would allow the Sonoma County Water Agency (Water Agency) to continue the process to sell certain real property located at 330 Hewett Street in Santa Rosa (Property) as surplus for the current market value of the Property. The General Manager of the Water Agency will take such steps as are necessary to accomplish the sale of the Property as are required by State law, including notifying the appropriate state and local agencies of the availability of the property. These agencies will then have the opportunity to purchase the property for uses that may include affordable housing prior to the property being offered to the public.

### Discussion:

The Property (Assessor's Parcel Number 010-700-014) consists of a 1.07-acre site containing a 1,168 square foot residence with a detached garage. The Sonoma County Assessor lists the building as being constructed in 1914. The Water Agency acquired the property in 2001 through a negotiated settlement with the then property owner, Frederick and Alberta Zmarzly, following discovery of elevated concentrations of lead in soil that was attributed to fill material that was placed on the property during construction of the Water Agency's Santa Rosa Creek Channel. As a condition of the negotiated settlement, the Water Agency purchased the property for \$305,000.



Water Agency contracted with Environmental Resources Management Inc. to determine the extent and location of the contamination in the soil at the property. With the input and cooperation of the North Bay Regional Water Quality Control Board, Environmental Resources Management located and mapped the extent and distribution of the contamination. As a result of this study, the Water Agency determined that elevated lead exists only on the southerly portion of the Property. The study provided a line separating the uncontaminated portion of the Property suitable for residential use from the portion of the Property containing the elevated lead.

On May 12, 2015, the Water Agency's Board of Directors (Board) adopted a Resolution declaring the Property as surplus subject to completion of a lot line adjustment to separate the uncontaminated portion of the property from the portion containing lead. The Resolution directed the General Manager to offer the Property for sale to other agencies for the then current appraised market value of \$750,000 after completion of the lot line adjustment. Water Agency staff completed the lot line adjustment; however the time period for the City of Santa Rosa to process the lot line adjustment raised concerns that the value of the Property may have increased during the City's processing time. A second appraisal was obtained which valued the Property at \$880,000. Per the appraisal, the Property is zoned to have the potential to be subdivided into 4 separate parcels. One parcel would contain the existing residence, and the remaining three parcels could be improved with single family residence. Given the scarcity of available housing following the tragic fires in Sonoma County, the Water Agency desires to expedite disposal of the property to provide additional housing opportunities within the county.

Section 9 of the Water Agency's enabling act provides: "If the board determines by resolution duly passed and entered in its minutes, that any [Water Agency] property, real or personal, is no longer necessary to be retained for the uses and purposes of the [Water Agency], it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties..." This item requests that the previous resolution be rescinded to remove the \$750,000 stated amount determined by the outdated appraisal, and authorize and direct the General Manager to dispose of the Property for the current market value.

After adoption of the resolution, Water Agency staff will notify appropriate state and local agencies of the Board's determination as required by Sections 54222 and 54226 of the Government Code. These sections require the Water Agency to offer the Property to affordable housing and park/open space agencies and allow these agencies an opportunity to purchase the Property at its fair market value. The state and local agencies have 60 days from receipt of the Water Agency's notification to respond with their intention to purchase the property from the Water Agency. After the Water Agency receives notice from a party intending to purchase the Property, the Water Agency will enter into good faith negotiations with that party, for a period of not less than 60 days, to determine a mutually satisfactory sale price. If the Water Agency and the agency reach agreement for sale of the property, the Water Agency will present to the Board an agenda item for sale of the Property to the respective state or local agency.

If no such agency responds, or if negotiations with any responding agency does not produce an agreement for sale of the Property, then the Water Agency will present to the Board an agenda item requesting adoption of a resolution setting the terms and conditions for sale, in accordance with Government Code Section 25526.

Water Agency staff determined that the resolution at issue was exempt from the California Environmental Quality Act pursuant to Section 15312 (Surplus Government Property Sale), because the Property is no longer necessary for the operations of the Water Agency, and is not in an area of statewide, regional, or area-wide concern as identified in CEQA Guidelines Section 152206(b)(4). Water Agency staff prepared and filed a Notice of Exemption (on file with the Clerk). The proposed disposition of the Property also meets all the requirements of Government Code Section 65402 for consistency with the City of Santa Rosa's General Plan.

**Prior Board Actions:**

15-0190 Resolution authorizing the General Manager to execute document to obtain a lot line adjustment and subject to completion of lot line adjustment declare certain property surplus and authorize the General Manager to notify local and state agencies of said declaration.  
01-0168 Concurrent Resolution of the Board of Supervisors of County of Sonoma and Board of Directors of Water Agency approving settlement of Zmarzly versus County of Sonoma and Sonoma County Water Agency.

**Strategic Plan Alignment**      Goal 2: Economic and Environmental Stewardship

This item supports that county goal of Economic and Environmental Stewardship by returning land not needed by the Water Agency for economic development by the community.

Flood Protection, Goal 1: Provide efficient and effective flood protection programs.

**Fiscal Summary**

<b>Expenditures</b>	<b>FY 17-18 Adopted</b>	<b>FY 18-19 Projected</b>	<b>FY 19-20 Projected</b>
Budgeted Expenses	10,000		
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>10,000</b>		

**Funding Sources**

General Fund/WA GF			
State/Federal			
Fees/Other	10,000		
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>10,000</b>		

**Narrative Explanation of Fiscal Impacts:**

The cost to process the surplus property sale is estimated to be approximately \$10,000. The cost has been budgeted in the Facilities Fund.

Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
Narrative Explanation of Staffing Impacts (If Required):			
Attachments:			
Resolution, Exhibit A-1			
Related Items “On File” with the Clerk of the Board:			
Notice of Exemption			

ROW/330 Hewett Street/Surplus Property/1-9072-4/File ID 5323

---

Date: December 19, 2017

Item Number: \_\_\_\_\_  
Resolution Number: \_\_\_\_\_



4/5 Vote Required

---

**Resolution Of The Board Of Directors Of The Sonoma County Water Agency, Rescinding Resolution 15-0190; Declaring Certain Real Property Surplus; And Authorizing The General Manager Of The Sonoma County Water Agency To Notify State And Local Agencies Of Said Declaration. (4/5 Vote Required).**

**Whereas,** the Sonoma County Water Agency (Water Agency) acquired property located at 330 Hewett Street in Santa Rosa as a settlement to litigation related to elevated levels of lead in soil, and has completed an environmental study to locate and determine any health risks associated with the elevated levels of lead in soil; and

**Whereas,** the environmental study determined that adjustment of the lot line to segregate the portion of the property with elevated lead levels from the residential portion of the property would result in the property being suitable for residential use; and

**Whereas,** on May 12, 2015, the Board adopted Resolution No. 15-0190 declaring the property as surplus subject to completion of a lot line adjustment to separate the uncontaminated portion of the property from the portion containing lead. The Resolution directed the General Manager to offer the Property for sale to other agencies for the then current appraised market value of \$750,000 after completion of the lot line adjustment; and

**Whereas,** the Water Agency completed a lot line adjustment separating the residential portion of the property from the portion of the property with elevated lead levels making the residential portion of the property no longer necessary to be retained for the uses and purposes of the Water Agency; and

**Whereas,** during the time the lot line adjustment was process by the City of Santa Rosa the value of the property increased by approximately \$130,000; and

**Whereas,** the Water Agency determined that the proposed lot line adjustment and surplus sale of the property is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15312 (Surplus Government Property Sales) because the

property is no longer necessary for the operations of the Water Agency and the parcel to be sold is not in an area of statewide, regional, or area-wide concern as identified in CEQA Guidelines Section 15206(b)(4); and

**Whereas**, the Water Agency has filed a Notice of Exemption for the surplus of real property in accordance with CEQA, the State CEQA Guidelines, and the Water Agency's Procedures for the Implementation of CEQA.

**Now, Therefore, Be It Resolved** that the Board of Directors of the Sonoma County Water Agency hereby finds, determines, and declares as follows:

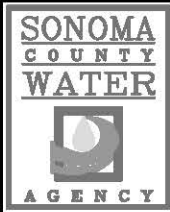
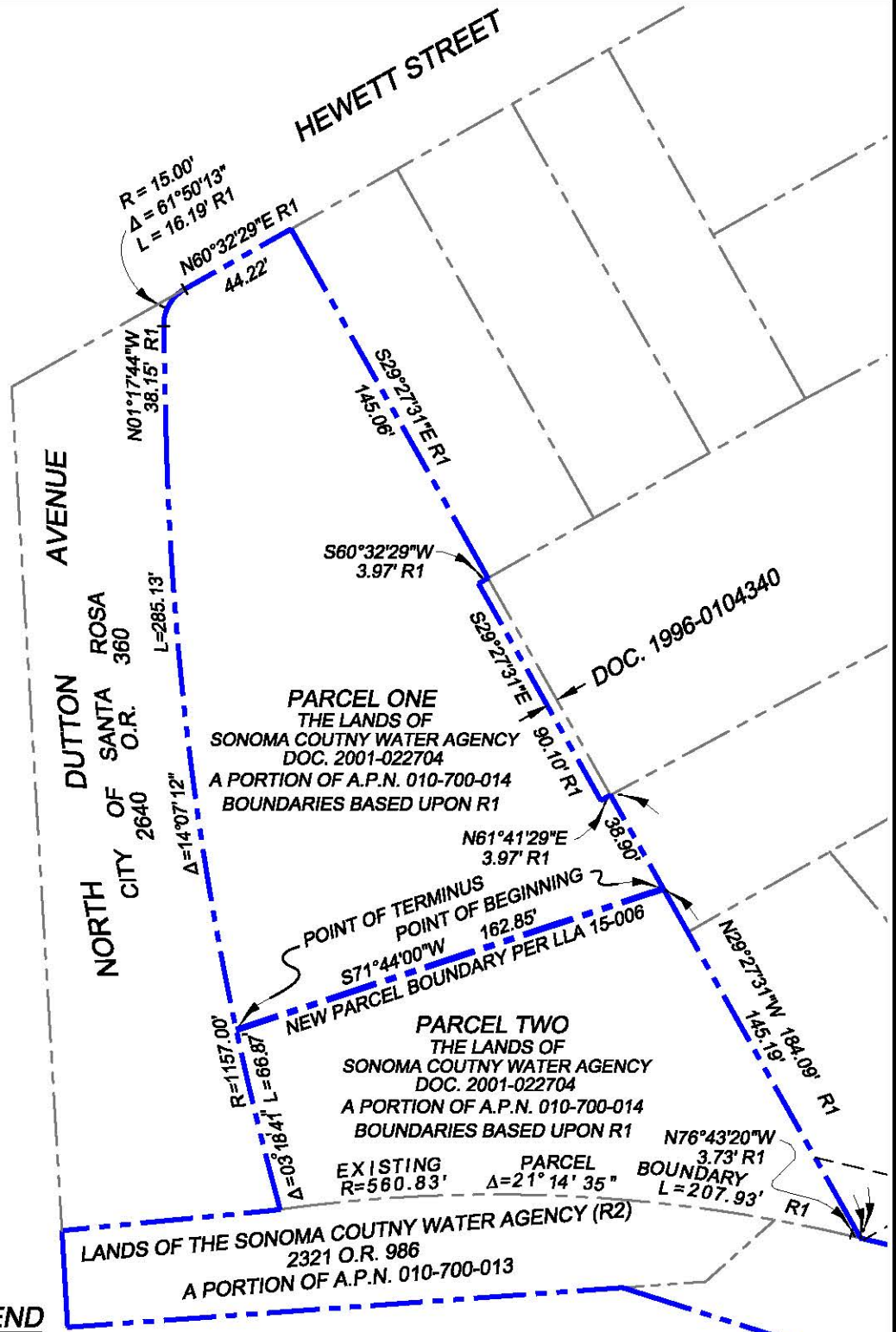
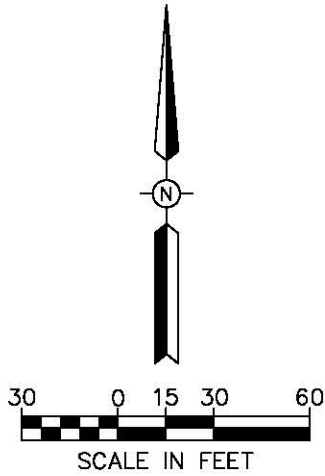
1. The above recitals are true and correct; and
2. Resolution No. 15-0190 is hereby rescinded; and
3. In accordance with Government Code Title 3, Division 2, Chapter 5, Article 8, Section 25526, of the State of California, it is hereby found and determined that certain real property, being the remaining residential portion of Assessor's Parcel Number 010-700-014 is excess to Water Agency needs, has an appraised market value, and is hereby declared surplus; and
4. The General Manager of the Sonoma County Water Agency is hereby authorized and directed to notify the City of Santa Rosa Recreation and Parks Department, the Sonoma County Regional Parks Department, the City of Santa Rosa Economic Development and Housing Department, the Sonoma County Community Development Commission, and the State Resources Agency of the Agency's intention to dispose of said surplus property and to offer such properties for sale to these entities at the market value in conformance with Government Code Title 5, Division 2, Part 1, Chapter 5, Article 8, Sections 54222 and 54226, of the State of California.

**Directors:**

Gorin:                      Rabbitt:                      Zane:                      Hopkins:                      Gore:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**



REVISIONS		
REV.	DATE	BY
1	3/15/16	JM
PER CITY OF SR		

PLAT TO ACCOMPANY LEGAL DESCRIPTION

**EXHIBIT A-1**

**LOT LINE ADJUSTMENT 15-006**

**330 HEWETT STREET, SANTA ROSA, CA**

PROJECT/TASK: 3624-05	
DATE :	01/26/16
DRAWN BY:	
CHECKED BY:	JM
SHEET NO. 1 OF 2	



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 4**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 19, 2017

**Vote Requirement:** Majority

**Department or Agency Name(s):** Department of Agriculture/Weights & Measures  
Permit and Resource Management Department (Permit Sonoma)

**Staff Name and Phone Number:**

Tony Linegar, 565-2371  
Alex Rosas, 565-3507

**Supervisory District(s):**

All

**Title:** Minor and Technical Revisions to the County Code Provisions Governing Vineyard and Orchard Development, Grading, and Drainage

### Recommended Actions:

Adopt an Ordinance amending Chapter 11 of the Sonoma County Code to regulate only construction grading and drainage, adding Chapter 36 to the Sonoma County Code to regulate vineyard and orchard development and agricultural grading and drainage, and determining exemption from the California Environmental Quality Act.

### Executive Summary:

On December 12, 2017, the Board adopted a Resolution introducing, reading the title of, and waiving further reading of proposed minor and technical revisions to the county code provisions governing vineyard and orchard development, grading and drainage. The Board also approved inclusion of a pilot project to exempt low impact vineyard replanting within the Santa Rosa Plain Groundwater Subbasin. Today's action is requesting formal adoption of these changes.

### Discussion:

### Prior Board Actions:

### Strategic Plan Alignment

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			
<b>Narrative Explanation of Fiscal Impacts:</b>			
<b>Staffing Impacts</b>			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
<b>Attachments:</b>			
<b>Related Items “On File” with the Clerk of the Board:</b>			



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 11 OF THE SONOMA COUNTY CODE TO REGULATE ONLY CONSTRUCTION GRADING AND DRAINAGE, ADDING CHAPTER 36 TO THE SONOMA COUNTY CODE TO REGULATE VINEYARD AND ORCHARD DEVELOPMENT AND AGRICULTURAL GRADING AND DRAINAGE, AND DETERMINING EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

---

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Chapter 11 (Construction Grading and Drainage) of the Sonoma County Code is amended to read as set forth in Exhibit “A,” attached hereto and incorporated herein by this reference.

Section II. Chapter 36 (Vineyard and Orchard Development and Agricultural Grading and Drainage) is added to the Sonoma County Code to read as set forth in Exhibit “B,” attached hereto and incorporated herein by this reference.

Section III. The Board of Supervisors finds and determines that this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines sections 15307 and 15308 as an action taken to assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment, and pursuant to State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The basis for this determination is that this Ordinance only amends the Sonoma County Code to make minor and technical revisions to the provisions of the Code governing vineyard and orchard development, grading, and drainage. Changes include amending Chapter 11 of the Code to regulate only construction grading and drainage, adding a new Chapter 36 to the Code to regulate vineyard and orchard development and agricultural grading and drainage, making minor language deletions or additions, reordering of sections, revising civil penalties for violations, making legal clarifications, and miscellaneous other minor and technical revisions to maintain or strengthen permit requirements and standards. The adoption of this Ordinance will not result in any significant direct or indirect physical change to the environment, and will instead assure the maintenance, restoration, enhancement, and protection of natural resources and the environment where the regulatory process involves procedures for protection of the environment. The Director of the Permit and Resource Management Department and the Agricultural Commissioner are directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

Section IV. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section V. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California. Pursuant to Government Code section 25124, complete copies of Exhibits "A" and "B" to this Ordinance are on file with the Clerk of the Board of Supervisors and are available for public inspection and copying during regular business hours in the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 12<sup>th</sup> day of December 2017, and finally passed and adopted this 19<sup>th</sup> day of December 2017, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Gorin: \_\_\_\_\_ Rabbitt: \_\_\_\_\_ Gore: \_\_\_\_\_ Hopkins: \_\_\_\_\_ Zane: \_\_\_\_\_

Ayes: \_\_\_\_\_ Noes: \_\_\_\_\_ Absent: \_\_\_\_\_ Abstain: \_\_\_\_\_

**WHEREUPON**, the Chair declared the above and foregoing Ordinance duly adopted and

**SO ORDERED.**

\_\_\_\_\_  
Chair, Board of Supervisors  
County of Sonoma

**ATTEST:**

\_\_\_\_\_  
Sheryl Bratton,  
Clerk of the Board of Supervisors

**EXHIBIT “B”**  
**CHAPTER 36 OF THE SONOMA COUNTY CODE**

**CHAPTER 36 – VINEYARD AND ORCHARD DEVELOPMENT AND  
AGRICULTURAL GRADING AND DRAINAGE**

**Article 02. General.**

**Sec. 36.02.010. - Title.**

This chapter shall be known as the Sonoma County Vineyard and Orchard Development and Agricultural Grading and Drainage Ordinance. This chapter may also be referred to as the Sonoma County Vineyard Erosion and Sediment Control Ordinance or as VESCO

**Sec. 36.02.020. - Purpose.**

This chapter is enacted for the purpose of regulating vineyard and orchard development and agricultural grading and drainage within the unincorporated area of the county, and to establish ministerial standards for those activities that:

- A. Protect the public health, safety, and welfare of the county;
- B. Minimize hazards to life and property;
- C. Protect against erosion, and the pollution of watercourses with soil and other pollutants;
- D. Maintain natural and existing drainage patterns;
- E. Protect aquatic resources and wildlife habitat; and
- F. Promote water conservation and groundwater recharge.

**Sec. 36.02.030. - Administration.**

This chapter shall be administered under the direction of the board of supervisors, by and through the agricultural commissioner.

**Sec. 36.02.040. Applicability.**

- A. Compliance required. The provisions of this chapter shall apply to all vineyard and orchard development and agricultural grading and drainage occurring within the unincorporated area of the county. The permit requirements in this chapter shall apply to all vineyard and orchard development and agricultural grading and drainage, unless exempted from permit requirements by Section 36.04.010.D, 36.06.010.C, or 36.08.010.C. The standards in Article 16 and the best management practices in the department’s best management practices for agricultural erosion and sediment control

shall apply to all vineyard and orchard development and agricultural grading and drainage, regardless of whether a permit is required by this chapter.

- B. Liability. Nothing in this chapter, nor the issuance of a permit pursuant to this chapter, nor compliance with the provisions of this chapter or with any permit conditions, shall relieve any person from responsibility for damage to other persons or property, or impose any liability upon the county, its officers, agents, or employees, for damage to other persons or property.
- C. Relationship to other laws. The provisions of this chapter are not intended to and shall not be construed or given effect in a manner that conflicts with state or federal law, or interferes with the achievement of state or federal regulatory objectives. The provisions of this chapter shall be interpreted to be supplementary to and compatible with state and federal enactments, and in furtherance of the public purposes those enactments express. Compliance with the provisions of this chapter, however, does not ensure compliance with state and federal requirements. Further, the provisions of this chapter are not intended to and shall not be construed or given effect in a manner that supersedes other provisions of this code. Where another provision of this code establishes a stricter requirement than a provision of this chapter, that stricter requirement shall prevail.
- D. Other permits. Nothing in this chapter shall eliminate the need for any person undertaking any vineyard or orchard development or agricultural grading or drainage from having to obtain any other permits, approvals, or authorizations required by this code or state or federal agencies.

#### **Sec. 36.02.050. - Interpretations.**

- A. Authority to interpret. The agricultural commissioner shall have the authority to interpret the provisions of this chapter. Whenever the agricultural commissioner determines that the meaning or applicability of any requirement of this chapter is subject to interpretation, the agricultural commissioner may issue an official written interpretation. The agricultural commissioner may also refer any issue of interpretation to the board of supervisors for determination.
- B. Language. When used in this chapter, the words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended; and “may” is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words “include,” “includes,” and “including” shall mean “including but not limited to.”
- C. Time limits. Whenever a number of days is specified in this chapter, or in any permit, condition of approval, or notice provided in compliance with this chapter, the number of days shall be construed as calendar days, unless business days are specified. A time limit shall extend to 5 p.m. on the following business day where the last of the specified

number of days falls on a weekend, county-observed holiday, or other day the county is not open for business.

- D. State or federal law requirements. Where this chapter references applicable provisions of state or federal law, the reference shall be construed to be to the applicable state or federal law provisions as they may be amended from time to time.

#### **Sec. 36.02.060 – Best Management Practices.**

The agricultural commissioner may adopt, amend, or rescind best management practices for this chapter. The best management practices shall implement or make specific the standards in Article 16. The best management practices shall reference or detail only fixed standards and objective measurements that do not require the exercise of discretion by the agricultural commissioner. Failure by any person to comply with any applicable best management practice adopted or amended pursuant to this section shall be a violation of this chapter. The best management practices adopted or amended pursuant to this section shall be compiled by the agricultural commissioner and made available to the public.

#### **Sec. 36.02.070 – Legislative Intent.**

- A. Ministerial provisions; exception. It is the intent of the board of supervisors that the provisions of this chapter and the best management practices adopted pursuant to Section 36.02.060 shall be ministerial within the meaning of the California Environmental Quality Act and the State CEQA Guidelines. It is the further intent of the board of supervisors that the review of permit applications and the issuance of permits pursuant to this chapter shall be ministerial acts, except in the case of discretionary permit applications.
- B. Interpretation and application. This chapter and the best management practices adopted pursuant to Section 36.02.060 shall be interpreted, administered, and construed in light of the legislative intent expressed in Subsection A. If any provisions, sentences, or words in this chapter or any best management practice adopted pursuant to Section 36.02.060 are ambiguous or capable of more than one interpretation, staff shall interpret, administer, and construe them as conferring only ministerial authority. Staff shall not exercise personal judgment, special discretion or judgment, or personal, subjective judgment in deciding whether or how projects should be carried out, except in the case of discretionary permit applications.
- C. Ministerial system of regulation; automatic repeal. It is the intent of the board of supervisors in enacting this chapter to establish and maintain a ministerial system of regulation for vineyard and orchard development and agricultural grading and drainage, consistent with the strong policy direction in the general plan to expedite the processing of agricultural-related permits and not unduly complicate and discourage vineyard and orchard development and agricultural grading and drainage. The county has heretofore faced lawsuits seeking to transform ministerial permit applications for new vineyard planting into discretionary projects subject to the California Environmental Quality Act.

As a legislative matter, that result would be contrary to the legislative intent of this chapter, as well as the general plan and its Agricultural Resources Element. As a result, if for any reason a court of competent jurisdiction holds in a final order that a provision of this chapter or a best management practice adopted pursuant to Section 36.02.060 intended to be ministerial is, in fact, discretionary, this chapter shall be automatically repealed without further action by the board of supervisors. A “final order” means an order, writ, judgment, or other finding that is no longer subject to modification or reversal on appeal. If this chapter is repealed by this subsection, vineyard and orchard development shall be allowed and shall not require separate permitting, like all other forms of agriculture in the county, and agricultural grading and drainage shall become subject to the provisions of Chapter 11 of this code. Nothing in this subsection is intended to affect any court order. This subsection is declarative of existing law.

#### **Article 04. - Vineyard and Orchard Development Permits.**

##### **Sec. 36.04.010. – Vineyard and Orchard Development Permit Requirements.**

- A. Permit required. A vineyard and orchard development permit shall be required prior to commencing any vineyard or orchard development or related work, including preparatory land clearing, vegetation removal, or other ground disturbance, except where exempted from permit requirements by Subsection D. A separate vineyard and orchard development permit shall be required for each site.
- B. Designation and performance. Vineyard and orchard development shall be designated as “Level I vineyard and orchard development” or “Level II vineyard and orchard development” in compliance with Table 36-1, and shall be performed as follows:
  - 1. Level I vineyard and orchard development. Level I vineyard and orchard development shall be performed in compliance with approved plans and specifications prepared by the property owner or the authorized agent of the property owner.
  - 2. Level II vineyard and orchard development. Level II vineyard and orchard development shall be performed in compliance with approved plans and specifications prepared by a civil engineer.

**Table 36-1 Vineyard and Orchard Development Designation**

Parameter	Threshold	
	Level I Vineyard and Orchard Development	Level II Vineyard and Orchard Development
Natural slope of new planting area having no highly erodible soils	Less than 15 percent	15 to 50 percent <sup>1</sup>
Natural slope of replanting area having no highly erodible soils	Less than 30 percent	30 percent or greater
Natural slope of new planting area having any highly erodible soils	Less than 10 percent	10 to 50 percent <sup>1</sup>
Natural slope of replanting area having any highly erodible soils	Less than 15 percent	15 percent or greater
Natural slope descending below new planting area on ridgetop	Less than 50 percent for more than 500 feet in slope length above a blue-line stream	50 percent or greater for more than 500 feet in slope length above a blue-line stream
Location of new planting area on ridgetop	Not on a designated watershed or sub-watershed divide	On a designated watershed or sub-watershed divide

Notes:

1. New vineyard and orchard planting is prohibited on natural slopes greater than 50 percent. See Section 36.18.020.B.

**C. Biotic resource and focused species assessments.**

1. Biotic resource assessment. A biotic resource assessment shall be required for any new vineyard or orchard planting, except where exempted from permit requirements by Subsection D.
2. Focused species assessment. A focused species assessment shall be required for any vineyard or orchard replanting within a designated critical habitat area, except where exempted from permit requirements by Subsection D.

- D. Exemptions from permit requirements. The following vineyard and orchard development activities are exempt from the provisions of this section and may be conducted without obtaining a vineyard and orchard development permit, provided that these activities shall still be subject to the standards in Article 16 and the best management practices in the department's best management practices for agricultural erosion and sediment control.
1. Hobby vineyards and orchards. New planting and replanting of hobby vineyards and orchards, where the hobby vineyard or orchard is less than one-half acre in size. This exemption may only be used for one hobby vineyard or orchard per legal parcel. This exemption shall not apply where there is an existing commercial vineyard or orchard on the parcel.
  2. Interplanting grapevines or orchard trees. Interplanting young grapevines or orchard trees among established grapevines or orchard trees, where the existing vineyard or orchard infrastructure is kept intact.
  3. Low-impact vineyard replanting. Vineyard replanting within the Santa Rosa Plain Groundwater Subbasin, where the replanting area has a natural slope of less than 5 percent, no deep ripping is conducted, and the existing underground vineyard infrastructure and trellis system end posts are kept intact. This exemption is a pilot program. This exemption shall remain in effect only until December 31, 2019, and as of that date is repealed.
  4. Replacing individual missing, dead, or diseased grapevines or orchard trees. Replacing individual missing, dead, or diseased grapevines or orchard trees, where less than one-half acre of contiguous grapevines or orchard trees is replaced and the existing vineyard or orchard infrastructure is kept intact.

## **Article 06. – Agricultural Grading Permits.**

### **Sec. 36.06.010. – Agricultural Grading Permit Requirements.**

- A. Permit required. An agricultural grading permit shall be required prior to commencing any agricultural grading or related work, including preparatory land clearing, vegetation removal, or other ground disturbance, except where exempted from permit requirements by Subsection C. A separate agricultural grading permit shall be required for each site.
- B. Designation and performance. Agricultural grading shall be designated as “regular agricultural grading” or “engineered agricultural grading” in compliance with Table 36-2, and shall be performed as follows:
1. Regular agricultural grading. Regular agricultural grading shall be performed in compliance with approved plans and specifications prepared by the property owner or a licensed professional acting within the scope of their license.



2. Engineered agricultural grading. Engineered agricultural grading shall be performed in compliance with approved plans and specifications prepared by a civil engineer.

**Table 36-2 Agricultural Grading Designation**

Parameter	Threshold	
	Regular Agricultural Grading	Engineered Agricultural Grading
Volume (cut or fill)	Does not exceed 5,000 cubic yards	Exceeds 5,000 cubic yards
Cut	No greater than 3 feet in depth and does not create a cut slope greater than 5 feet in height <sup>1</sup>	Greater than 3 feet in depth or creates a cut slope greater than 5 feet in height <sup>1</sup>
Fill	No greater than 3 feet in depth <sup>1</sup>	Greater than 3 feet in depth <sup>1</sup>
Fill inside the flood-prone urban area or special flood hazard areas	Does not exceed 50 cubic yards	Exceeds 50 cubic yards
Natural slope of grading area	No greater than 15 percent	Greater than 15 percent
Geologic Hazard Area Combining District	Grading area is not in the Geologic Hazard Area Combining District	Grading area is wholly or partially in the Geologic Hazard Area Combining District <sup>2</sup>
Geologic hazards	Grading area contains no geologic hazards	Grading area contains geologic hazards <sup>3</sup>

Notes:

1. The references to depths and heights for cuts and fills are between existing grade and proposed grade.
  2. The engineered agricultural grading designation shall apply only to the portion of the grading area that is in the Geologic Hazard Area Combining District.
  3. The engineered agricultural grading designation shall apply only to the portion of the grading area that is directly affected by the geologic hazards.
- C. Exemptions from permit requirements. The following agricultural grading activities are exempt from the provisions of this section and may be conducted without obtaining an

agricultural grading permit, provided that these activities shall still be subject to the standards in Article 16 and the best management practices in the department's best management practices for agricultural erosion and sediment control.

1. Agricultural grading for vineyard or orchard development. Where authorized by a valid vineyard and orchard development permit, agricultural grading for vineyard or orchard development.
2. Emergency agricultural grading. Agricultural grading necessary to protect life or property, or to implement erosion prevention or control measures, where a situation exists that requires immediate action; provided that only the volume of agricultural grading necessary to abate an imminent hazard may be performed prior to obtaining an agricultural grading permit. The person performing the emergency agricultural grading or the property owner shall notify the agricultural commissioner and provide evidence acceptable to the agricultural commissioner of the scope and necessity of the emergency agricultural grading on or before the next business day after the onset of the emergency situation. The person performing the emergency agricultural grading or the property owner shall apply for an agricultural grading permit within ten days after the commencement of the emergency agricultural grading. The agricultural commissioner may order emergency agricultural grading to be stopped or restricted in scope based upon the nature of the emergency.
3. Environmental remediation. Agricultural grading for environmental remediation ordered or approved by a public agency exercising regulatory jurisdiction over a site contaminated with hazardous materials, where the ground surface is restored to its previous topographic condition within 60 days after the completion of the work. The agricultural commissioner shall be notified in writing at least 30 days prior to the commencement of the work.
4. Exploratory excavations. Exploratory excavations to investigate subsurface conditions, affecting or disturbing an area of less than 10,000 square feet and involving the movement of less than 50 cubic yards, under the direction of a civil engineer, soils engineer, engineering geologist, or registered environmental health specialist, where the ground surface is restored to its previous topographic condition within 60 days after the completion of the work.
5. Minor cut. A cut that does not exceed 50 cubic yards, and:
  - a. Is no greater than 3 feet in depth; or
  - b. Does not create a cut slope greater than 5 feet in height and greater than 2 feet horizontal to 1 foot vertical (50 percent).
6. Minor fill outside the flood-prone urban area and special flood hazard areas. A fill outside the flood-prone urban area and any special flood hazard area that does

not exceed 50 cubic yards or alter or obstruct a watercourse or wetland, and is no greater than 3 feet in depth and not intended to support structures or surcharges. This exemption shall not apply to any fill that is engineered grading.

7. Resource conservation, restoration, or enhancement projects. Where a public agency takes full responsibility for the work, agricultural grading for soil, water, wildlife, or other resource conservation, restoration, or enhancement projects. The agricultural commissioner shall be notified in writing at least 30 days prior to the commencement of the work.

## **Article 08. – Agricultural Drainage Permits.**

### **Sec. 36.08.010. – Agricultural Drainage Permit Requirements.**

- A. Permit required. An agricultural drainage permit shall be required prior to commencing any agricultural drainage involving construction or modification of drainage facilities or related work, including preparatory land clearing, vegetation removal, or other ground disturbance, except where exempted from permit requirements by Subsection C. A separate agricultural drainage permit shall be required for each site.
- B. Designation and performance. Agricultural drainage involving construction or modification of drainage facilities shall be designated as “engineered agricultural drainage,” and shall be performed in compliance with approved plans and specifications prepared by a civil engineer.
- C. Exemptions from permit requirements. The following agricultural drainage activities are exempt from the provisions of this section and may be conducted without obtaining an agricultural drainage permit, provided that these activities shall still be subject to the standards in Article 16 and the best management practices in the department’s best management practices for agricultural erosion and sediment control.
  1. Drainage facilities for vineyard or orchard development or agricultural grading. Where authorized by a valid vineyard and orchard development or agricultural grading permit, construction or modification of drainage facilities for vineyard or orchard development or agricultural grading.
  2. Emergency agricultural drainage alteration. Construction or modification of drainage facilities necessary to protect life or property, or to implement erosion prevention or control measures, where a situation exists that requires immediate action; provided that only the work necessary to abate an immediate hazard may be performed prior to obtaining an agricultural drainage permit. The person performing the emergency agricultural drainage alteration or the property owner shall notify the agricultural commissioner and provide evidence acceptable to the agricultural commissioner of the scope and necessity of the emergency agricultural drainage alteration on or before the next business day after the onset of the emergency situation. The person performing the emergency agricultural

drainage alteration or the property owner shall apply for an agricultural drainage permit within ten days after the commencement of the emergency agricultural drainage alteration. The agricultural commissioner may order emergency agricultural drainage alteration to be stopped or restricted in scope based upon the nature of the emergency.

3. Maintenance, repair, or replacement of existing private drainage facilities. Maintenance, repair, or replacement of existing, lawfully constructed private drainage facilities, where the location and design capacity are not changed. The agricultural commissioner shall be notified in writing at least 30 days prior to the commencement of the work.
4. Minor pipe and vee-ditch swale systems. Construction or modification of pipe and vee-ditch swale systems that meet all of the following criteria:
  - a. The drainage area is less than one-half acre for a smooth-walled pipe or vee-ditch swale system, or less than one-quarter acre for a corrugated pipe system.
  - b. The pipe or vee-ditch swale system is not located in the flood-prone urban area.
  - c. The pipe system is a single run, with a minimum diameter of 8 inches and installed slopes between 2 percent and 4 percent, or the vee-ditch swale system is lined with grass or rock, with side slopes no greater than 2 feet horizontal to 1 foot vertical (50 percent), maximum depth of 9 inches, and installed slopes between 2 percent and 4 percent.
5. Resource conservation, restoration, or enhancement projects. Where a public agency takes full responsibility for the work, construction or modification of drainage facilities for soil, water, wildlife, or other resource conservation, restoration, or enhancement projects. The agricultural commissioner shall be notified in writing at least 30 days prior to the commencement of the work.
6. Seasonal drainage swales. Construction or modification of seasonal drainage swales that meet all of the following criteria:
  - a. The flowline slope of the drainage swale does not exceed 4 percent.
  - b. The drainage swale does not exceed 150 feet in length.
  - c. The drainage swale is lined with grass, with side slopes no greater than 2 feet horizontal to 1 foot vertical (50 percent), and maximum depth of 9 inches.
  - d. The outlet for the drainage swale is protected to prevent erosion.

## **Article 10. - Permit Application Filing and Processing.**

### **Sec. 36.10.010. – Purpose.**

This article provides procedures and requirements for the preparation, filing, and initial processing of the permit applications required by this chapter.

### **Sec. 36.10.020. - Authority for Permit Decisions.**

The agricultural commissioner shall be responsible for reviewing and making decisions on each type of permit application required by this chapter.

### **Sec. 36.10.030. - Permit Application Preparation and Filing.**

- A. Pre-application contact. A prospective applicant is encouraged to contact the agricultural commissioner before completing and filing a permit application to determine the information and materials required for application filing. The provision of information by the agricultural commissioner shall not be construed as a recommendation for either approval or disapproval of an application. Any failure by the agricultural commissioner to identify all required information and materials shall not constitute a waiver of those requirements.
- B. Application. Permit applications shall be filed with the department on a county application form. Each permit application shall include all required fees and deposits, all plans and specifications, maps, reports, and other information and materials required by the department's list of required application contents for the specific type of application, and any other reports necessary to verify compliance with this chapter.
- C. Eligibility for filing or withdrawing. A permit application may only be filed or withdrawn by the owner of the site, an authorized agent of the owner, or other person with the written consent of the owner.
- D. Request for relief from standards. A permit application may include a request for relief from the standards in Article 16. The request shall state in writing each standard proposed to be varied, the proposed substitute measure, when it would apply, and its advantages. The agricultural commissioner may require additional information to evaluate the requested relief.

### **Sec. 36.10.040. - Application Fees.**

- A. Fee schedule. The board of supervisors shall establish a schedule of fees for the processing of permit applications required by this chapter.
- B. Refunds and withdrawals. The required application fees cover county costs for staff time and the other activities involved in processing permit applications. Therefore, no refund

due to disapproval or expiration shall be allowed. In the case of a withdrawal, the agricultural commissioner may refund up to 90 percent of the application fee prior to the commencement of plan review.

**Sec. 36.10.050. - Indemnification.**

- A. Applicant agreement. At the time of submitting a discretionary permit application, the applicant shall agree, as part of the permit application, to defend (with legal counsel of the county's selection), indemnify, and hold harmless the county and its agents, officers, attorneys, and employees, from any claim, action, or proceeding brought against the county or its agents, officers, attorneys, or employees to attack, set aside, void, or annul, an approval of the county concerning the permit application, which action is brought within the applicable statute of limitations. The required indemnification shall include damages awarded against the county, if any, costs of suit, attorneys' fees, and other costs and expenses incurred in connection with the action.
- B. County notification of applicant. In the event that a claim, action, or proceeding referred to in Subsection A is brought, the county shall promptly notify the applicant of the existence of the claim, action, or proceeding and shall cooperate fully in the defense of the claim, action, or proceeding.

**Sec. 36.10.060. - Initial Permit Application Review.**

The agricultural commissioner shall review each permit application for completeness and accuracy before it is accepted as complete and officially filed. The agricultural commissioner's determination of completeness shall be based on the department's list of required application contents and any additional instructions provided to the applicant in any pre-application contact, and/or during the initial review period. No permit application shall be deemed complete, and processing shall not commence on any permit application, until all required fees and deposits have been paid, and all required plans, maps, reports, and other information and materials have been submitted to the agricultural commissioner and reviewed to determine compliance with this chapter, including peer review where necessary to determine compliance with this chapter.

- A. Notification of applicant when permit application is incomplete. The agricultural commissioner shall inform the applicant in writing within 30 days of filing when a permit application is incomplete. The letter shall specify the additional information required to make the permit application complete.
- B. Withdrawal of application. If an applicant fails to provide the additional information specified in the agricultural commissioner's letter providing notice of an incomplete permit application within 120 days following the date of the letter, the permit application shall be deemed withdrawn without any further action by the agricultural commissioner. The agricultural commissioner may grant one 90-day extension, if the applicant files a written request with the agricultural commissioner before expiration of the original 120-day period. After the withdrawal of a permit application, future consideration by the

agricultural commissioner shall require the submittal of a new permit application and associated fees.

#### **Sec. 36.10.070. - Environmental Review.**

After a permit application has been accepted as complete, if the permit application is a discretionary permit application, the proposed activity shall be reviewed as required by the California Environmental Quality Act and the State CEQA Guidelines to determine the level of environmental processing required.

#### **Sec. 36.10.080. - Expiration of Permit Application.**

If a permit is not issued within one year following the filing of a permit application, the permit application shall expire and be deemed withdrawn, without any further action by the agricultural commissioner. The agricultural commissioner may grant one 180-day extension, if the applicant files a written request with the agricultural commissioner before expiration of the original one-year period and shows that the extension is warranted due to a lawsuit, staff error, or other circumstances beyond the control of the applicant. After the expiration of a permit application, future consideration by the agricultural commissioner shall require submittal of a new permit application and associated fees.

### **Article 12. - Permit Review Procedures.**

#### **Sec. 36.12.010. – Purpose.**

This article provides procedures for the final review and approval or disapproval of the permit applications required by this chapter.

#### **Sec. 36.12.020. Permit Approval and Issuance.**

The approval of a permit application and issuance of a vineyard and orchard development or agricultural grading or drainage permit by the agricultural commissioner shall occur as follows:

- A. Criteria for approval. The agricultural commissioner may approve a permit application and issue a vineyard and orchard development or agricultural grading or drainage permit when the agricultural commissioner determines that the proposed vineyard or orchard development or agricultural grading or drainage will comply with the following:
  - 1. Ministerial permit application. A ministerial permit application shall be approved and a ministerial vineyard and orchard development or agricultural grading or drainage permit issued when the agricultural commissioner determines that the proposed vineyard or orchard development or agricultural grading or drainage complies with the provisions of this chapter and any applicable county land use approvals.

2. Discretionary permit application. A discretionary permit application may be approved and a discretionary vineyard and orchard development or agricultural grading or drainage permit issued when the agricultural commissioner determines that:
  - a. There are special circumstances affecting the site that make the strict application of the standards in Article 16 impractical;
  - b. The proposed vineyard or orchard development or agricultural grading or drainage is consistent with the purpose and intent of the standards in Article 16, and does not diminish the health, safety, and environmental protection benefits that would be obtained from the strict application of those standards;
  - c. The proposed vineyard or orchard development or agricultural grading or drainage complies with all other provisions of this chapter and any applicable county land use approvals.
- B. Permit conditions. In approving a discretionary permit application, the agricultural commissioner may impose any conditions deemed reasonable and necessary to protect the public health, safety, and welfare; prevent adverse environmental impacts or the creation of hazards to property; and ensure proper completion of the work.
- C. Permit holder. A vineyard and orchard development or agricultural grading or drainage permit shall be issued to the owner of the site.
- D. Effect of permit and approved plans and specifications.
  1. Compliance with plans and specifications required. All work for which a vineyard and orchard development or agricultural grading or drainage permit is issued shall be done in compliance with the approved plans and specifications and the recommendations of required reports. The approved plans and specifications shall not be changed without the written approval of the agricultural commissioner.
  2. Modifications. Proposed modifications to the approved plans and specifications shall be submitted to the agricultural commissioner in writing, together with all necessary technical information and design details. A proposed modification shall be approved only if the agricultural commissioner determines that the modification complies with the provisions of this chapter, other applicable provisions of this code, and the requirements of any applicable county land use approvals.
- E. Distribution and use of approved plans and specifications. The agricultural commissioner shall retain one or more sets of approved and dated plans and specifications for inspection and record keeping. Two sets of approved and dated plans and specifications shall be



provided to the permittee. The permittee shall maintain one set of approved and dated plans and specifications and the permit on the site at all times during the work.

#### **Article 14. - Permit Implementation, Time Limits, and Extensions.**

##### **Sec. 36.14.010. – Purpose.**

This article provides requirements for the implementation of the permits required by this chapter, including time limits and procedures for granting extensions of time.

##### **Sec. 36.14.020. - Effective Date of Permit.**

- A. Ministerial permit. A ministerial vineyard and orchard development or agricultural grading or drainage permit shall become effective on the date of ministerial permit application approval.
- B. Discretionary permit. A discretionary vineyard and orchard development or agricultural grading or drainage permit shall become effective on the 11th day following the date of discretionary permit application approval, provided that no appeal has been filed or direct review requested in compliance with Article 20.

##### **Sec. 36.14.030. - Time Limits and Extensions.**

- A. Time limits.
  - 1. Vineyard and orchard development permit. A vineyard and orchard development permit shall expire five years from the effective date of the permit, unless an extension has been granted in writing in compliance with Subsection B. All work for which a vineyard and orchard development permit is issued shall be completed and finalized prior to expiration of the permit or any extension granted pursuant to Subsection B.
  - 2. Agricultural grading permit. An agricultural grading permit shall expire three years from the effective date of the permit, unless an extension has been granted in writing in compliance with Subsection B, provided that the agricultural commissioner may limit an agricultural grading permit to a lesser time period where the permit is required to abate dangerous or hazardous conditions. All work for which an agricultural grading permit is issued shall be completed and finalized prior to expiration of the permit or any extension granted pursuant to Subsection B.
  - 3. Agricultural drainage permit. An agricultural drainage permit shall expire three years from the effective date of the permit, unless an extension has been granted in writing in compliance with Subsection B, provided that the agricultural commissioner may limit an agricultural drainage permit to a lesser time period where the permit is required to abate dangerous or hazardous conditions. All

work for which an agricultural drainage permit is issued shall be completed and finalized prior to expiration of the permit or any extension granted pursuant to Subsection B.

- B. Extensions of time. Any permittee holding an unexpired vineyard and orchard development or agricultural grading or drainage permit may apply for an extension of the time within which the work for which the permit is issued must be completed and finalized. The agricultural commissioner may extend the expiration date of the permit for a period not exceeding 180 days per extension request, where the permittee has requested the extension in writing and shown that a lawsuit, staff error, or other circumstances beyond the control of the permittee have prevented the work from being started or completed.
- C. Tolling of time. Any permittee holding an unexpired vineyard and orchard development or agricultural grading or drainage permit may request a tolling of the time within which the work for which the permit is issued must be completed and finalized, where a lawsuit is brought in a court of competent jurisdiction involving the approval of the permit. Upon receipt of a request, the agricultural commissioner shall grant a stay for the period during which the litigation is pending, subject to the following limitations:
  - 1. The stay may not be granted until the county is served with the initial petition or complaint. If the county is not a party to the litigation, the county must be served with a courtesy copy of the initial pleading.
  - 2. The stay may only be granted where the litigation is brought by opponents of the work to attack or overturn the approval.
- D. Effect of expiration. After the expiration of a vineyard and orchard development or agricultural grading or drainage permit, no further work shall be done on the site until a new permit is obtained.

#### **Sec. 36.14.040. - Performance of Work.**

All work for which a vineyard and orchard development or agricultural grading or drainage permit is required shall be subject to the following requirements.

- A. Pre-construction consultation. The permittee and the agricultural commissioner shall have a pre-construction consultation prior to the commencement of the work.
- B. Responsibility for the work. The permittee shall be responsible for ensuring that the work is performed in compliance with the approved plans and specifications and the standards in Article 16.
- C. Notification of change in ownership. The permittee shall notify the agricultural commissioner of any change in ownership of the site prior to completion of the work.

- D. Inspection. The work shall be subject to inspection as required by the agricultural commissioner. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or other provisions of this code. Inspections presuming to give authority to violate or cancel the provisions of this chapter or other provisions of this code shall not be valid.
1. Site access. The permittee shall provide adequate access to the site for inspection by inspectors designated by the agricultural commissioner during the performance of all work and for a minimum of three years after final inspection.
  2. Professional inspections and certifications. The agricultural commissioner may require professional inspections and certifications to verify proper completion of the work.
    - a. Type of inspections and certifications. The professional inspections and certifications may include, but shall not be limited to requiring: the permittee to provide a civil engineer, soils engineer, engineering geologist, professional biologist, professional geologist, registered professional forester, or other professional to perform inspections of work in progress and to certify the proper completion of work; inspection and testing by an approved testing agency; or the submittal of periodic progress reports.
    - b. Notification of noncompliance. Where the use of a civil engineer, soils engineer, engineering geologist, professional biologist, professional geologist, registered professional forester, or other professional is required, these personnel shall immediately report in writing to the agricultural commissioner and the permittee any instance of work not being done in compliance with this chapter, other applicable provisions of this code, the department's best management practices for agricultural erosion and sediment control, the approved plans and specifications, or any permit conditions, and shall also provide recommendations for corrective measures, if determined by the consultant to be necessary.
    - c. Transfer of responsibility for approval. If a required civil engineer, soils engineer, engineering geologist, professional biologist, professional geologist, registered professional forester, or other professional is changed during the course of the work, the work shall be stopped until the permittee notifies the agricultural commissioner in writing of the change of professional and the new professional notifies the agricultural commissioner in writing of their agreement to accept responsibility for approval of the completed work within the area of their technical competence.
- E. Field changes. After permit issuance, no change to the approved work shall occur without the prior written approval of the agricultural commissioner. If the agricultural commissioner determines that the changes are minor, the changes shall be shown on the

as-built plans. If the agricultural commissioner determines that the changes are significant, a request for a modification to the approved plans and specifications shall be filed as provided in Section 36.12.020.D.2.

- F. Protection of utilities. As required by Government Code section 4216.2, the permittee shall contact the Underground Service Alert (USA) prior to starting any excavation that will be conducted in an area that is known, or reasonably should be known, to contain subsurface utility installations. Contact shall occur at least two working days, but not more than fourteen calendar days, before the excavation starts. If practical, the excavator shall delineate with white paint or other suitable markings the area to be excavated.
- G. Stop work orders. The agricultural commissioner may order that any work performed contrary to the requirements of this chapter, other applicable provisions of this code, the approved plans and specifications, or any permit conditions, or any work that has otherwise become hazardous to property or the public, be immediately stopped. It shall be unlawful and a violation of this chapter for any person to resume work that was ordered to be stopped by the agricultural commissioner, unless the agricultural commissioner has required and the permittee has agreed to any necessary corrective measures, and the agricultural commissioner has authorized resumption of the work in writing. A violation of a stop work order shall be punishable in compliance with Section 36.24.080.B.

#### **Sec. 36.14.050. - Completion of Work.**

- A. Final reports. Upon final completion of all work for which a vineyard and orchard development or agricultural grading or drainage permit is required, the agricultural commissioner may require the following plans and reports, supplements thereto, or other documentation, prepared by the appropriate professionals in the format required by the agricultural commissioner. The agricultural commissioner may also require such plans and reports at other stages of the work.
  - 1. As-built plans. A set of as-built plans including original and finished contours at intervals acceptable to the agricultural commissioner, parcel drainage patterns with directional arrows, and locations and elevations of all surface and subsurface drainage facilities.
  - 2. Testing records. A complete record of all field and laboratory tests, including the location and elevation of all field tests.
  - 3. Declarations about completed work. Declarations by any civil engineer, soils engineer, engineering geologist, professional biologist, professional geologist, registered professional forester, or other professional required by the agricultural commissioner pursuant to Section 36.14.040.D.2, that all work was done in compliance with the approved plans and specifications and the recommendations of required reports.

- B. Final inspection. No permittee shall be deemed to have complied with the provisions of this chapter until a final inspection of the work has been completed and approved by the agricultural commissioner. The permittee shall notify the agricultural commissioner when the work is ready for final inspection. Final approval shall not be given until all work has been completed in compliance with the approved plans and specifications, and all reports required by Subsection A have been submitted and accepted.

## **Article 16. - Standards.**

### **Sec. 36.16.010. - Purpose.**

This article provides ministerial standards for the proper conduct of vineyard and orchard development and agricultural grading and drainage. All vineyard and orchard development and agricultural grading and drainage shall comply with the requirements of this article, regardless of whether a permit is required by this chapter.

### **Sec. 36.16.020. – Agricultural Grading.**

Agricultural grading shall be designed and constructed in compliance with the following requirements.

#### **A. General.**

1. Areas of agricultural grading. Agricultural grading shall be limited to the grading area identified and delineated on the approved plans and specifications.
2. Final contours. Contours, elevations, and shapes of finished surfaces shall be blended with adjacent natural terrain to achieve a consistent grade and natural appearance. Borders of cut slopes and fills shall be rounded off to a minimum radius of 5 feet to blend with the natural terrain.
3. MS4 permit. Where agricultural grading is within an MS4 permit boundary, the agricultural grading shall comply with the applicable standards and provisions of the MS4 permit.

#### **B. Cuts.**

1. Slope. The slope of cut surfaces shall be no greater than 2 feet horizontal to 1 foot vertical (50 percent), unless a soils report justifies a greater slope.
2. Terracing and drainage. Terracing and drainage of cuts shall be provided as required by Subsection D.

C. Fills.

1. Fill location. Fill shall not be placed on natural slopes greater than 2 feet horizontal to 1 foot vertical (50 percent).
2. Surface preparation. Ground surfaces shall be prepared to receive fill by removing vegetation, topsoil, and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.
3. Benching. Benching into sound bedrock or other competent material, as determined by a civil engineer, shall be required where existing grade is at a slope greater than 5 feet horizontal to 1 foot vertical (20 percent) and the depth of the fill exceeds 5 feet. Benching shall be provided in accordance with Figure 36-1, subject also to the following requirements:
  - a. A key at least 10 feet in width and 2 feet in depth shall be installed.
  - b. The key shall be installed at least 1 foot into sound bedrock or other competent material.
  - c. The area beyond the toe of the fill shall be sloped for sheet overflow or a non-erosive drain shall be provided.
  - d. Cuts for benching and keys shall be accepted by a soils engineer as a suitable foundation for fill prior to the placement of the fill material.

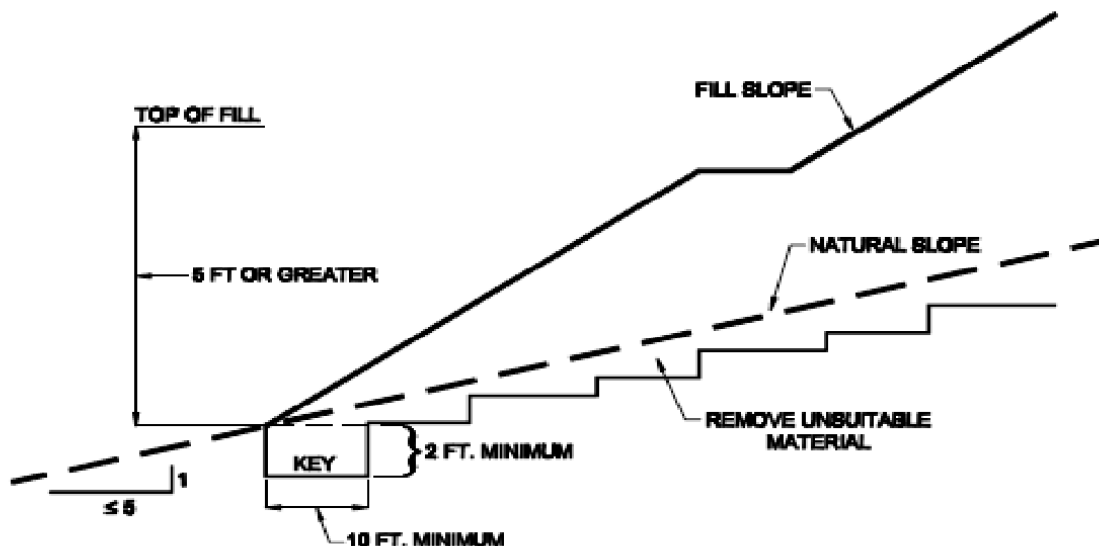


Figure 36-1 Benching Details

4. Fill material. Fill material shall not include organic, frozen, or other deleterious materials. No rock or similar irreducible material greater than 6 inches in any dimension shall be included in fills, except where a soils engineer devises a method of placement of larger rock, continuously inspects its placement, and approves fill stability, subject also to the following requirements:
    - a. Potential rock disposal areas shall be shown on the plans and specifications.
    - b. Rocks shall be placed so as to assure filling of all voids with well-graded soil.
  5. Fill placement. Fills shall be constructed in lifts not exceeding 8 inches in depth. Completed fills shall be stable, well-integrated, and bonded to adjacent materials and the materials on which they rest. Fills shall be competent to support anticipated loads and be stable at the design slopes shown on the approved plans and specifications.
  6. Compaction.
    - a. Fills below 30 inches from finished grade shall be compacted to a minimum of 90 percent of maximum dry density, as determined by ASTM D 1557, Modified Proctor, or as specified by a soils engineer.
    - b. Fills at or above 30 inches from finished grade shall be compacted to a minimum density necessary for the intended use or as specified by a soils engineer.
  7. Slope. The slope of fill surfaces shall be no greater than 2 feet horizontal to 1 foot vertical (50 percent), unless a soils report justifies a greater slope.
  8. No net fill in flood-prone urban area or special flood hazard areas. No fill shall be placed in the flood-prone urban area or any special flood hazard area, unless prior to permit issuance an analysis comparing the pre-development and proposed post-development site topography demonstrates that no reduction in flood storage capacity within the special flood hazard area will result from the fill placement and related improvements, and prior to the permit being finalized an analysis comparing the pre-development and as-built topography confirms that no reduction in flood storage capacity within the special flood hazard area has resulted from the fill placement and related improvements.
  9. Terracing and drainage. Terracing and drainage of fills shall be provided as required by Subsection D.
- D. Terracing and drainage of cuts and fills. Terracing and drainage of cuts and fills shall be designed and constructed to ensure the integrity of the cuts and fills. Unless otherwise

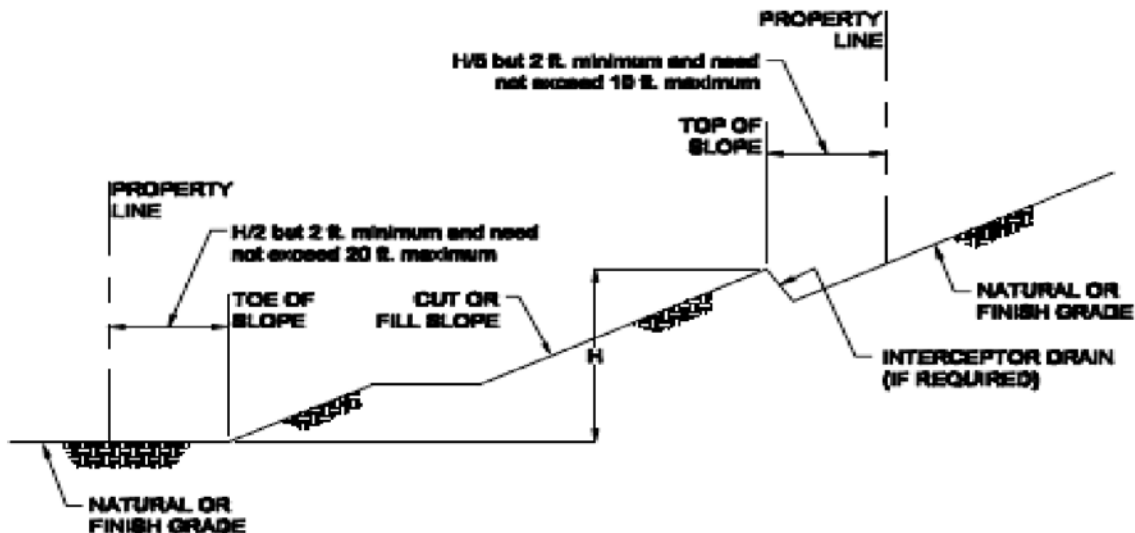
justified by a soils report, terracing and drainage of cuts and fills with surface slopes greater than 3 feet horizontal to 1 foot vertical (33 percent) shall comply with the following requirements. Additional requirements applicable to the provision of drainage facilities and systems are established by Section 36.16.030.B.

1. Terraces. Terraces shall be established on cut and fill slopes to control surface drainage and debris. Suitable access shall be provided to permit proper cleaning and maintenance of terraces.
  - a. For cut and fill slopes up to 30 feet in vertical height, terraces need not be provided.
  - b. For cut and fill slopes greater than 30 feet and up to 60 feet in vertical height, one terrace at least 6 feet in width shall be established at mid-height.
  - c. For cut and fill slopes greater than 60 feet and up to 120 feet in vertical height, terraces at least 6 feet in width shall be established at not more than 30-foot intervals or one terrace at least 12 feet in width shall be established at mid-height.
  - d. For cut and fill slopes greater than 120 feet in vertical height, terrace widths and spacing shall be designed by a civil engineer.
2. Terrace drainage.
  - a. Swales or ditches. Swales or ditches shall be provided on terraces, and shall:
    - (1) Have a minimum gradient of 20 feet horizontal to 1 foot vertical (5 percent);
    - (2) Be paved with reinforced concrete not less than three inches in thickness, or with other materials suitable to the application; and
    - (3) Have a minimum depth of 1 foot and a minimum width of 5 feet.
  - b. Limitation on single run of swale or ditch. A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a down drain.
3. Subsurface drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.
4. Surface interceptor drains. Surface interceptor drains shall be installed along the top of all cut and fill slopes receiving drainage from a tributary width greater than



40 feet, measured horizontally upslope. The drains shall be paved with reinforced concrete not less than three inches in thickness, or with other materials suitable to the application. The drains shall be designed in compliance with the Flood Control Design Criteria Manual, or superseding document, for the 100-year design discharge. This surface interceptor drains requirement shall not apply to outslope constructed roadways designed to prevent the concentration of stormwater runoff, provided that the stability of the cut and fill slope is maintained.

- E. **Setbacks.** Cut and fill slopes shall be set back from property lines in compliance with the following requirements. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure 36-2.
1. **Top of slope.** The setback at the top of a slope shall be not be less than that shown in Figure 36-2, or than is required to accommodate any required surface interceptor drains, whichever is greater.
  2. **Toe of slope.** The setback at the toe of a slope shall not be less than that shown in Figure 36-2.



**Figure 36-2 Cut and Fill Slope Setback Requirements**

- F. **Protection of footings, buildings, and structures.** Footings that may be affected by any excavation shall be underpinned or otherwise protected against settlement and shall be protected against lateral movement. Fills or other surcharge loads shall not be placed adjacent to any building or structure unless the building or structure is capable of withstanding the additional loads caused by the fill or surcharge. The rights of adjacent affected property owners shall be as set forth in Civil Code section 832.

### **Sec. 36.16.030. Drainage.**

- A. Drainage patterns and runoff. Vineyard and orchard development and agricultural grading and drainage shall be designed and constructed to maintain natural and existing drainage patterns. Post-development stormwater runoff shall be limited in compliance with the department's best management practices for agricultural erosion and sediment control.
- B. Design and construction of drainage facilities and systems.
  - 1. Except as provided in Subsection B.2, drainage facilities and systems shall be designed and constructed in compliance with the Flood Control Design Criteria Manual, or superseding document, and the department's best management practices for agricultural erosion and sediment control for no less than the 25-year design discharge.
  - 2. Stream crossings shall be designed and constructed for no less than the 100-year design discharge.
  - 3. Drainage facilities required for cuts and fills are also subject to Section 36.16.020.D.
- C. Disposal of stormwater runoff. Drainage facilities and systems shall convey stormwater runoff to disposal locations that maximize infiltration and minimize erosion, and shall dissipate the energy or diffuse the flow prior to releasing the stormwater runoff to any setback area or off the site.
- D. Limit erosion. Drainage facilities and systems shall limit erosion in compliance with the department's best management practices for agricultural erosion and sediment control.

### **Sec. 36.16.040. Protection of Human Remains and Archaeological Resources.**

Where human remains or archaeological resources are discovered during vineyard and orchard development and agricultural grading and drainage, all work shall be halted in the vicinity of the find, the agricultural commissioner shall be notified, and the following shall occur before work may be resumed:

- A. Human remains. If human remains or suspected human remains are discovered, the permittee shall notify the county coroner and comply with all state law requirements, including Health and Safety Code section 7050.5 and Public Resources Code section 5097.98, to ensure proper disposition of the human remains or suspected human remains, including those identified to be Native American remains.
- B. Archaeological resources. If archaeological resources or suspected archaeological resources are discovered, the agricultural commissioner shall notify the State Historic Preservation Officer and the Northwest Information Center at Sonoma State University,

and the permittee shall retain a qualified archeologist to evaluate the find to ensure proper disposition of the archaeological resources or suspected archaeological resources. All costs associated with the evaluation and mitigation of the find shall be the responsibility of the permittee. The agricultural commissioner shall provide notice of the find to any tribes that have been identified as having cultural ties and affiliation with the geographic area in which the archaeological resources or suspected archaeological resources were discovered, if the tribe or tribes have requested notice and provided a contact person and current address to which the notice is to be sent. The agricultural commissioner may consult with and solicit comments from notified tribes to aid in the evaluation, protection, and proper disposition of the archaeological resources or suspected archaeological resources. The need for confidentiality of information concerning the archaeological resources or suspected archaeological resources shall be recognized by all parties. For the purposes of this section, archaeological resources include historic or prehistoric ruins, burial grounds, pottery, arrowheads, midden, or culturally modified soil deposits. Artifacts associated with prehistoric ruins include humanly modified stone, shell, bone, or other cultural materials such as charcoal, ash, and burned rock indicative of food procurement or processing activities. Prehistoric domestic features include hearths, fire pits, or floor depressions; mortuary features are typically represented by human skeletal remains.

#### **Sec. 36.16.050. Protection of Watercourses.**

Vineyard and orchard development and agricultural grading and drainage within, adjacent to, or involving the alteration of watercourses shall comply with the provisions of Article II (Water Clarity) of Chapter 23 of this code, any necessary state and federal permits, approvals, or authorizations, and the following requirements.

- A. Flood carrying capacity. The flood carrying capacity of any altered or relocated portion of a watercourse shall be maintained.
- B. Obstruction of watercourses. Watercourses shall not be obstructed unless an alternate drainage facility complying with Section 36.16.030.B is installed.
- C. Fills within watercourses. Fills placed within watercourses shall have protection against erosion.
- D. Streams in closed conduits. Except for stream crossings, streams shall not be placed in closed conduits. Stream crossings shall be limited to the minimum width necessary to cross the stream.
- E. Heavy equipment. Heavy equipment shall not cross or disturb channels of actively flowing streams unless best management practices referenced or detailed in the department's best management practices for agricultural erosion and sediment control are in place.

- F. Materials storage. Materials that could contribute to pollution shall not be deposited or stored in or adjacent to a watercourse.

**Sec. 36.16.060. - Removal of Trees and Other Vegetation.**

Vineyard and orchard development and agricultural grading and drainage shall not remove or disturb trees and other vegetation except in compliance with the department's best management practices for agricultural erosion and sediment control and the approved plans and specifications. Vineyard and orchard development and agricultural grading and drainage shall be conducted in compliance with the following requirements.

- A. The limits of work-related ground disturbance shall be clearly identified and delineated on the approved plans and specifications and defined and marked on the site to prevent damage to surrounding trees and other vegetation.
- B. Trees and other vegetation within the limits of work-related ground disturbance that are to be retained shall be identified and protected from damage by marking, fencing, or other measures.

**Sec. 36.16.070. Setbacks for Areas of Slope Instability.**

Vineyard and orchard development shall be set back from areas of slope instability in compliance with the requirements in Table 36-4, unless the area is repaired in compliance with this chapter or an engineering geologist determines that the area is suitable for new planting or replanting. Setback areas for areas of slope instability shall be managed in compliance with the department's best management practices for agricultural erosion and sediment control.

**Table 36-4 – Area of Slope Instability Setback Requirements**

Location	Setback
Below and lateral to area of slope instability	50 feet from the mapped edge, unless an engineering geologist recommends a different setback
Above area of slope instability	100 feet from the mapped edge, unless an engineering geologist recommends a different setback

**Sec. 36.16.080. – Setbacks for Lakes and Ponds.**

Vineyard and orchard development and agricultural grading shall be set back from lakes and ponds in compliance with the requirements in Table 36-5, unless a greater setback is required by the general plan, local coastal plan, or zoning code. Setback areas for lakes and ponds shall be managed in compliance with a biotic resource assessment or focused species assessment, if

applicable, and the department's best management practices for agricultural erosion and sediment control.

**Table 36-5 – Lake and Pond Setback Requirements**

Setback for New Vineyard and Orchard Planting	Setback for Vineyard and Orchard Replanting	Setback for Agricultural Grading
50 feet from the high water mark, unless a biotic resource assessment recommends a different setback	Existing setback from the high water mark or 25 feet from the high water mark, whichever is greater, unless a focused species assessment recommends a greater setback	50 feet from the high water mark

**Sec. 36.16.090. – Setbacks for Reservoirs.**

Vineyard and orchard development and agricultural grading shall be setback from reservoirs in compliance with the requirements in Table 36-6, unless a greater setback is required by the general plan, local coastal plan, or zoning code. Setback areas for reservoirs shall be managed in compliance with the department's best management practices for agricultural erosion and sediment control.

**Table 36-6 – Reservoir Setback Requirements**

Setback for Vineyard and Orchard Development	Setback for Agricultural Grading
25 feet from the high water mark, unless a civil engineer recommends a different setback	50 feet from the high water mark

**Sec. 36.16.100. - Setbacks for Ridgetops**

Where tree removal is involved, new vineyard and orchard planting on ridgetops shall be set back 50 feet from the delineated slope break of descending natural slopes greater than 50 percent for more than 50 feet in slope length. Setback areas for ridgetops shall be managed in compliance with the department's best management practices for agricultural erosion and sediment control.

**Sec. 36.16.110. - Setbacks for Streams.**

Vineyard and orchard development and agricultural grading shall be set back from streams in compliance with the requirements in Table 36-7, unless a greater setback is required by the general plan, local coastal plan, or zoning code. Setback areas for streams shall be managed in

compliance with a biotic resource assessment or focused species assessment, if applicable, and the department's best management practices for agricultural erosion and sediment control.

**Table 36-6 - Stream Setback Requirements**

Type of Stream	Setback for New Vineyard and Orchard Planting	Setback for Vineyard and Orchard Replanting	Setback for Agricultural Grading
Blue-line Stream	Setback required by the zoning code, unless a biotic resource assessment recommends a greater setback	Existing setback from the top of the higher bank or 25 feet from the top of the higher bank, whichever is greater, unless a focused species assessment recommends a greater setback	25 feet from the top of the higher bank
All other Streams	25 feet from the top of the higher bank, unless a biotic resource assessment recommends a greater setback	25 feet from the top of the higher bank, unless a focused species assessment recommends a greater setback	25 feet from the top of the higher bank

**Sec. 36.16.120. - Setbacks for Wetlands.**

Vineyard and orchard development and agricultural grading shall be set back from wetlands in compliance with the requirements in Table 36-7, unless a greater setback is required by the general plan, local coastal plan, or zoning code. Setback areas for wetlands shall be managed in compliance with the wetland delineation study or wetland assessment, as applicable, and the department's best management practices for agricultural erosion and sediment control. The setback requirements in this section shall not apply where all necessary state and federal permits, approvals, or authorizations to fill the wetlands are obtained, or the vineyard or orchard development or agricultural grading is exempt from such requirements.

**Table 36-7 - Wetland Setback Requirements**

Type of Wetland	Setback
Wetland designated in the zoning code	100 feet from the delineated wetland boundary
All other wetlands	50 feet from the assessed wetland boundary, unless the wetland assessment recommends a different setback

**Sec. 36.16.130. - Soil and other pollutant discharges.**

- A. During the work. Vineyard and orchard development and agricultural grading and drainage shall prevent or control soil and other pollutant discharges during the work through the use of best management practices referenced or detailed in the department's best management practices for agricultural erosion and sediment control.
- B. During qualifying rain events. Vineyard and orchard development and agricultural grading and drainage shall prevent or control soil and other pollutant discharges during qualifying rain events by implementing erosion prevention or control measures referenced or detailed in the department's best management practices for agricultural erosion and sediment control at least 48 hours prior to any qualifying rain event, unless the site has been winterized pursuant to Section 36.16.150.
- C. Post-development. Vineyard and orchard development and agricultural grading and drainage shall be designed to limit post-development soil and other pollutant discharges in compliance with the department's best management practices for agricultural erosion and sediment control.

**Sec. 36.16.140. - Work during the rainy season.**

Vineyard and orchard development and agricultural grading and drainage shall only be permitted during the rainy season as follows:

- A. New vineyard and orchard planting.
  - 1. Initial new planting work shall be permitted between October 1 and October 14 and April 1 and April 30 when on-site soil conditions permit the work to be performed in compliance with this article and the department's best management practices for agricultural erosion and sediment control, and the erosion prevention or control measures required by Section 36.16.130.B are implemented, if applicable. Initial new planting work shall be prohibited between October 15 and March 31, except for emergency work to protect life or property, or to implement erosion prevention or control measures.
  - 2. Final new planting work shall be permitted during the rainy season when on-site soil conditions permit the work to be performed in compliance with this article and the department's best management practices for agricultural erosion and sediment control.
- B. Vineyard and orchard replanting.
  - 1. Initial replanting work shall be permitted between October 1 and November 14 and April 1 and April 30 when on-site soil conditions permit the work to be performed in compliance with this article and the department's best management practices for agricultural erosion and sediment control, and the erosion prevention

or control measures required by Section 36.16.130.B are implemented, if applicable. Initial replanting work shall be prohibited between November 15 and March 31, except for emergency work to protect life or property, or to implement erosion prevention or control measures.

2. Final replanting work shall be permitted during the rainy season when on-site soil conditions permit the work to be performed in compliance with this article and the department's best management practices for agricultural erosion and sediment control.
- C. Agricultural grading and drainage. Agricultural grading and drainage shall be permitted between October 1 and October 14 and April 1 and April 30 when on-site soil conditions permit the work to be performed in compliance with this article and the department's best management practices for agricultural erosion and sediment control, and the erosion prevention or control measures required by Section 36.16.130.B are implemented, if applicable. Agricultural grading and drainage shall be prohibited between October 15 and March 31, except for emergency agricultural grading or drainage alteration.

**Sec. 36.16.150. – Winterization.**

- A. Requirements. Vineyard and orchard development and agricultural grading and drainage sites shall be winterized in compliance with the department's best management practices for agricultural erosion and sediment control, the approved plans and specifications, and the following requirements each year until the vineyard and orchard development or agricultural grading or drainage permit is finalized.
1. A cover crop referenced or detailed in the department's best management practices for agricultural erosion and sediment control shall be either:
    - a. Established on all disturbed surfaces by the installation date specified in Subsection A.2; or
    - b. Planted and straw mulch applied at the rate of 2 tons per acre on all disturbed surfaces by the installation date specified in Subsection A.2.
  2. Cover crops shall be installed by:
    - a. October 15 for all of the following:
      - (1) Initial and final new planting work;
      - (2) Final replanting work; and
      - (3) Agricultural grading and drainage.
    - b. November 15 for initial replanting work.



3. After installation, cover crops shall be maintained through March 31.
- B. Declaration. The permittee shall submit a declaration to the agricultural commissioner within 15 days following the installation date specified in Subsection A.2 each year until the vineyard and orchard development or agricultural grading or drainage permit is finalized certifying that all of winterization measures required by the department's best management practices for agricultural erosion and sediment control, the approved plans and specifications, and this section have been properly installed on the site.

## **Article 18. - Prohibited Activities.**

### **Sec. 36.18.010. - Purpose.**

This article establishes prohibitions against certain vineyard and orchard development and agricultural grading.

### **Sec. 36.18.020. - Prohibited Vineyard and Orchard Development.**

- A. Fill slopes supporting structures or surcharges. Vineyard and orchard development shall be prohibited on fill slopes supporting structures or surcharges, unless an engineering geologist determines that the fill slope is suitable for new planting or replanting.
- B. Natural slopes greater than 50 percent. New vineyard and orchard planting shall be prohibited on natural slopes greater than 50 percent.
- C. Removal of existing contiguous riparian vegetation. Vineyard and orchard development shall be prohibited from removing existing contiguous riparian vegetation within 200 feet of the higher bank of blue-line streams.
- D. Removal of trees. New vineyard and orchard planting shall be prohibited from removing trees on natural slopes greater than 40 percent with non-cohesive soil.

### **Sec. 36.18.030. - Prohibited agricultural grading.**

Agricultural grading to prepare new cropland shall be prohibited on natural slopes greater than 50 percent.

## **Article 20. – Appeals and Direct Review.**

### **Sec. 36.20.010. – Purpose.**

This article establishes procedures for the appeal and review and direct review of certain decisions of the agricultural commissioner.

**Sec. 36.20.020. – Appeal and Direct Review Subjects and Jurisdiction.**

Decisions of the agricultural commissioner on discretionary permit applications may be appealed to and/or directly reviewed by the board of supervisors. All other decisions of the agricultural commissioner under this chapter shall be final, subject only to judicial review.

**Sec. 36.20.030. – Filing and Processing of Appeals.**

- A. Eligibility. An appeal in compliance with this article may be filed by any interested person.
- B. Timing and form of appeal. An appeal shall be submitted in writing and filed with the department on a county appeal form within 10 calendar days following the decision that is the subject of the appeal. The appeal shall specifically state the pertinent facts and the basis for the appeal, and shall be accompanied by the required filing fee.
- C. Effect of filing appeal. The filing of an appeal in compliance with this article shall stay the effective date of the decision that is the subject of the appeal until the board of supervisors has acted upon the appeal.
- D. Report and scheduling of hearing. When an appeal has been filed, the agricultural commissioner shall prepare a report on the matter, and schedule the matter for a public hearing by the board of supervisors. The hearing shall be de novo. Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Article 22. Any interested person may appear and be heard at the hearing.
- E. Decision. At the hearing on the appeal, the board of supervisors may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal. After the hearing, the board of supervisors may affirm, affirm in part, modify, or reverse the decision that is the subject of the appeal.
- F. Effective date of appeal decision. A decision by the board of supervisors on an appeal is final and shall be effective on the date of the decision.
- G. Withdrawal of appeal. After filing, an appeal may not be withdrawn except with the consent of the board of supervisors.

**Sec. 36.20.040. – Board Direct Review.**

- A. Request for direct review. Any member of the board of supervisors may request the board of supervisors, upon its own initiative, to review the decision of the agricultural commissioner on a discretionary permit application.
- B. Timing and form of request for direct review. A request for direct review shall be made orally at a board of supervisors meeting, or filed in writing or by e-mail with the clerk of the board of supervisors, before the expiration of the appeal period for the decision that is

the subject of the request. A request for direct review need not state the reasons for the request. A request for direct review shall not be deemed to be an allegation of any flaw in or a pre-judgment of the decision of the agricultural commissioner.

- C. Effect of request for direct review. A request for direct review shall stay the effective date of the decision that is the subject of the request until the board of supervisors takes action in compliance with Subsection D, below, and, if applicable, until the board of supervisors takes action in compliance with Subsection F, below. The stay shall not extend the time for filing an appeal of the decision that is the subject of the request.
- D. Consideration of request for direct review. A request for direct review shall be considered by the board of supervisors at a public meeting.
  - 1. If the board of supervisors approves the request for direct review, the board of supervisors shall assume jurisdiction over the matter and take action in compliance with Subsection F.
  - 2. If the board of supervisors denies the request for direct review, the decision of the agricultural commissioner shall stand, unless an appeal of the decision was timely filed in compliance with this article.
- E. Report and scheduling of hearing. When a request for direct review has been approved, the agricultural commissioner shall prepare a report on the matter, and schedule the matter for a public hearing by the board of supervisors. The hearing shall be de novo. Notice of the hearing shall be provided, and the hearing conducted, in compliance with Article 22. Any interested person may appear and be heard at the hearing.
- F. Decision. At the hearing on the direct review, the board of supervisors may consider any issue involving the matter that is the subject of the direct review. After the hearing, the board of supervisors may affirm, affirm in part, modify, or reverse the decision of the permit authority that is the subject of the direct review.
- G. Effective date of direct review decision. A decision by the board of supervisors on a direct review is final and shall be effective on the date of the decision.
- H. Participation by initiator of request for direct review. Any member of the board of supervisors who initiates a request for direct review may fully participate in determining whether to approve the request and, if the request is approved, in hearing and deciding upon the matter, including the right to vote, unless actual bias or prejudice is otherwise shown.
- I. Withdrawal of request for direct review. After filing, a request for direct review may not be withdrawn except with the consent of the board of supervisors.

### **Sec. 36.20.050. - Simultaneous Appeal and Direct Review.**

When the decision of the agricultural commissioner on a discretionary permit application is both appealed and jurisdiction is taken by the board of supervisors through direct review, both the appeal and the direct review shall be heard and considered concurrently.

### **Article 22. - Public Hearings.**

#### **Sec. 36.22.010. – Purpose.**

This article provides procedures for public hearings by the board of supervisors required by this chapter. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this article.

#### **Sec. 36.22.020. - Notice of Hearing.**

When this chapter requires a public hearing by the board of supervisors before a decision on a matter, the public shall be provided notice of the hearing in compliance with Government Code sections 65090, 65091, and 65094, and Public Resources Code section 21000 et seq. The failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds for any court to invalidate the actions of the board of supervisors, provided that there has been substantial compliance with the requirements of this section.

#### **Sec. 36.22.030. - Hearing Procedures.**

- A. Date, time, and place of hearing. A hearing by the board of supervisors shall be held at the date, time, and place for which notice was given.
- B. Continued hearing. Any hearing may be continued from time to time without further notice; provided the chairperson of the board of supervisors announces the date, time, and place to which the hearing will be continued prior to the adjournment or recess of the hearing.
- C. Deferral of final decision. The board of supervisors may announce a tentative decision and defer its action on a final decision until appropriate findings or conditions of approval have been prepared.

#### **Sec. 36.22.040. – Decision.**

The board of supervisors may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or may defer action and continue the matter to a later meeting in compliance with Section 36.22.030.

## **Article 24. - Enforcement.**

### **Sec. 36.24.010. – Purpose.**

This article establishes provisions that are intended to ensure compliance with the requirements of this chapter and permits issued pursuant to this chapter, and provide for the protection of the public health, safety, and welfare of the county.

### **Sec. 36.24.020. – Decisions in Compliance with Chapter.**

All departments, officials, and employees of the county assigned the authority or duty to issue permits shall comply with the provisions of this chapter.

- A. Permits in conflict with chapter. Permits for activities that would be in conflict with the provisions of this chapter shall not be issued.
- B. Permits deemed void. Any permit for an activity issued in conflict with the provisions of this chapter, or in error, shall be void and of no effect.
- C. County may refuse to issue permits. The county may refuse to issue any permit sought pursuant to this chapter for an activity where the property upon which the activity is proposed is in violation of this code.

### **Sec. 36.24.030. – Authority for Enforcement.**

- A. Enforcement responsibility. The agricultural commissioner shall be responsible for enforcing the provisions of this chapter and permits issued pursuant to this chapter. The agricultural commissioner may initiate proceedings to suspend, revoke, or modify permits issued pursuant to this chapter, act as enforcing officer for the purposes of exercising the authority provided in Sections 1-7.1, 1-7.3, and 1-7.6 of this code, and issue letters of correction, notices of violation, notices of proposed action, stop work orders, and citations for any violations of this chapter or any permit issued pursuant to this chapter.
- B. Authority to inspect. The agricultural commissioner is authorized, upon reasonable notice to the property owner or permittee, to enter upon and inspect any property where vineyard or orchard development or agricultural grading or drainage has been or is being performed, to determine whether the work complies with the provisions of this chapter and any applicable permits issued pursuant to this chapter. These inspections may include the taking of photographs, samples, or other physical evidence, and the making of video and/or audio recordings. If the property owner or permittee refuses permission to enter and/or inspect, the county may seek an inspection warrant pursuant to Section 36.24.070.A.

#### **Sec. 36.24.040. – Administrative Enforcement Action.**

Where the agricultural commissioner determines that an activity has been or is being performed in violation of the provisions of this chapter or any permit issued pursuant to this chapter, the agricultural commissioner may initiate an administrative enforcement action pursuant to Section 1-7.3 of this code and seek the imposition of civil penalties and costs, including attorney's fees.

#### **Sec. 36.24.050. – Civil Penalties and Costs.**

- A. Civil penalties. Any person violating or causing the violation of any provision of this chapter or any permit issued pursuant to this chapter shall be liable for a civil penalty of not more than \$100,000.00 for each violation. When taking civil penalty action on violations of this chapter or permits issued pursuant to this chapter, the agricultural commissioner shall use the following provisions to determine the violation class and the penalty amount.
1. The agricultural commissioner shall designate violations as “Class A,” “Class B,” or “Class C” using the following definitions:
    - a. A Class A or serious violation is one of the following:
      - (1) A violation of a provision of this chapter or a requirement of a permit issued pursuant to this chapter that caused adverse effects on property, the public, or the environment.
      - (2) A violation of a provision of this chapter or a requirement of a permit issued pursuant to this chapter designed to mitigate the risk of adverse effects on property, the public, or the environment, and the agricultural commissioner determines that one or more of the following aggravating circumstances support elevation to Class A:
        - (a) The violator has a history of violations;
        - (b) The violator failed to cooperate in the investigation of the incident or allow a lawful inspection of the site; or
    - b. A Class B or moderate violation is a violation of a provision of this chapter or a requirement of a permit issued pursuant to this chapter designed to mitigate the risk of adverse effects on property, the public, or the environment, and is not designated as Class A.
    - c. A Class C or minor violation is a violation of a provision of this chapter or a requirement of a permit issued pursuant to this chapter that is not designed to mitigate the risk of adverse effects on property, the public, or the environment.

2. The penalty range for each class of violation is:
    - a. Class A: \$50,000.00 to \$100,000.00.
    - b. Class B: \$500.00 to \$50,000.00.
    - c. Class C: \$50.00 to \$500.00.
  3. When determining the penalty amount within the penalty range, the agricultural commissioner shall use relevant facts, including the severity of actual or potential effects of the violation and the violator's compliance history, and include those relevant facts in the notice of proposed action.
- B. Costs. Any person violating or causing the violation of any provision of this chapter or any permit issued pursuant to this chapter shall be liable to the county for the costs, including attorney's fees, incurred by the county, its agents, and agencies as a direct result of the violation(s).

**Sec. 36.24.060. – Violations.**

- A. Violation of provisions. Any activity performed contrary to the provisions of this chapter shall constitute a violation of this chapter and a public nuisance.
- B. Violation of permit requirement. The violation of any requirement of a permit issued pursuant to this chapter shall constitute a violation of this chapter and a public nuisance.

**Sec. 36.24.070. – Legal Remedies.**

The county may undertake any of the following legal actions to correct and/or abate any violation(s) of this chapter or any permit issued pursuant to this chapter.

- A. Inspection warrants. The county counsel may apply to the court for an inspection warrant to enter upon and inspect property and/or collect samples.
- B. Civil actions. The county counsel may apply to the court for injunctive relief, abatement, civil penalties and costs, and any other remedies available under law.
- C. Criminal actions and penalties.
  1. Any person violating or causing the violation of any provision(s) of this chapter or any permit issued pursuant to this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable in compliance with Section 1-7 of this code.

2. Each and every day during any portion of which any violation(s) of this chapter or any permit issued pursuant to this chapter is committed, continued, or allowed to continue by the person shall be deemed a separate offense.

D. Citations.

1. Any person violating or causing the violation of any provision(s) of this chapter or any permit issued pursuant to this chapter may be issued an administrative citation by the agricultural commissioner.
2. Any person issued an administrative citation shall be liable for and shall remit payment of any fine(s) assessed in connection with the citation in compliance with Section 1-7.6 of this code.
3. Any person issued an administrative citation may appeal the citation to a hearing officer in compliance with Section 1-7.6 of this code.

**Sec. 36.24.080. – Stop Work Order.**

- A. Issuance of stop work order. Any activity performed in violation of the provisions of this chapter or any permit issued pursuant to this chapter shall be subject to the issuance of a stop work order.
- B. Violation of stop work order. Any violation of a stop work order shall constitute a misdemeanor and a public nuisance, and shall be subject to the remedies and penalties established by this article and this code.

**Sec. 36.24.090. – Hazard abatement.**

- A. Issuance of hazard abatement notice. Whenever the agricultural commissioner determines that any existing excavation, embankment, or fill on cropland has become a hazard to public safety, endangers property, or adversely affects the safety, use, or stability of adjacent property, an overhead or underground utility, or a public way or watercourse, or could adversely affect the water quality of any watercourse or water body, the agricultural commissioner shall issue a hazard abatement notice to the owner or other person in control of the property advising of the problem. Upon receipt of the hazard abatement notice, the owner or other person in control of the property shall, within the time specified in the notice, eliminate the hazard and conform to the requirements of this chapter.
- B. Violation of hazard abatement notice. Any violation of a hazard abatement notice shall constitute a violation of this chapter and a public nuisance, and shall be subject to the remedies and penalties authorized by this chapter.



#### **Sec. 36.24.100. – Suspension or Revocation.**

The agricultural commissioner may suspend or revoke a permit issued pursuant to this chapter if the agricultural commissioner determines any of the following:

- A. Circumstances under which the permit was issued have changed and the public health, safety, and welfare require the suspension or revocation;
- B. The permit was issued on the basis of inaccurate or incomplete information; or
- C. One or more of the requirements of the permit have not been substantially fulfilled or have been violated.

#### **Sec. 36.24.110. – Remedies are Cumulative.**

- A. Cumulative, not exclusive. All remedies contained in this chapter for the handling of violations or enforcement of the provisions of this chapter or any permit issued pursuant to this chapter shall be cumulative and in addition to any other remedies available under law.
- B. Other remedies. Should a person be found guilty and convicted of a misdemeanor for the violation of any provision(s) of this chapter or any permit issued pursuant to this chapter, the conviction shall not prevent the county from pursuing any other remedies available under law to correct the violation(s).

#### **Sec. 36.24.120. – Additional Permit Processing Fee.**

Any person who performs any activity requiring a permit under this chapter without first obtaining the required permit shall pay the permit processing fees required for the correction of the violation(s), and any applicable civil penalties and costs, including attorney's fees, before being granted a permit for the activity.

#### **36.20.130. – Reinspection fees.**

- A. A reinspection fee shall be imposed on any person who receives a letter of correction, notice of violation, or stop work order requiring a follow-up inspection(s).
  - 1. The fee shall not apply to the original inspection to document the violation(s) or to the first scheduled compliance inspection made after the issuance of the letter of correction, notice of violation, or stop work order; and
  - 2. The fee shall apply to each subsequent inspection or reinspection conducted when the particular violation for which the inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the letter of correction, notice of violation, or stop work order.

- B. The reinspection fee is intended to compensate for the actual cost of providing county inspections or reinspections, and is not a penalty for violating this chapter, any permit issued pursuant to this chapter, or this code.
- C. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this chapter, any permit issued pursuant to this chapter, or this code, or costs incurred by the county for the abatement of a public nuisance.

## **Article 26. - Glossary.**

### **Sec. 36.26.010. - Purpose.**

This article provides definitions of terms and phrases used in this chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this article conflict with definitions in other provisions of this code, these definitions shall control for the purposes of this chapter. If a word is not defined in this article, or in other provisions of this code, the agricultural commissioner shall determine the correct definition.

### **Sec. 36.26.020. - Definitions of specialized terms and phrases.**

As used in this chapter, the following terms and phrases shall have the meanings ascribed to them in this section, unless the context in which they are used clearly requires otherwise. The definition of a term or phrase applies to any of that term's or phrase's variants.

**Agricultural Commissioner.** The agricultural commissioner-sealer of the county or his or her authorized representative.

**Agricultural Crop.** Any cultivated crop grown and harvested for commercial purposes. Agricultural crop does not include trees regulated by the Z'Berg-Nejedly Forest Practice Act of 1973, Public Resources Code section 4511 et seq.

**Agricultural Drainage.** Any drainage alteration to prepare new cropland or maintain existing cropland. Agricultural drainage does not include drainage alteration for roads, dams, reservoirs, lakes, ponds, or structures.

**Agricultural Drainage Permit.** See Section 36.08.010.

**Agricultural Grading.** Any grading to prepare new cropland or maintain existing cropland. Agricultural grading does not include grading for roads, dams, reservoirs, lakes, ponds, or structures.

**Agricultural Grading Permit.** See Section 36.06.010.

**Approved Plans and Specifications.** Plans and specifications, including reports, material lists, estimates, maintenance agreements, and professional recommendations, approved by the agricultural commissioner pursuant to this chapter.

**Architect.** An individual licensed by the state to practice architecture and to use the title, architect.

**Area of Slope Instability.** An area of soil or rock prone to mass wasting, including slides, falls, slumps, and flows.

**As-Built Plans.** Plans or drawings that depict the final installed configuration of vineyard or orchard development or agricultural grading or drainage (whether physical or functional). The plans or drawings shall indicate any construction deviations and show all features as actually built. The plans or drawings are intended to provide a permanent record of as-built conditions and aid as key references for future maintenance processes.

**Assessed Wetland Boundary.** The estimated edge of a wetland identified by a wetland assessment.

**Best Management Practice.** A program, technology, process, siting criteria, operational method, or engineered system, which when implemented prevents, controls, removes, or reduces pollution or other adverse environmental effects.

**Biotic Resource Assessment.** A study prepared by a qualified professional biologist to identify any potential biotic resources present on a site, including aquatic resources, sensitive terrestrial habitats, and/or potential habitat suitable to support listed species. A biotic resource assessment must meet the general requirements specified in the department's guidelines for preparing biotic resource assessments.

**Blue-line Stream.** A stream that appears as a broken or solid blue line (or a purple line) on a USGS topographic map.

**California Environmental Quality.** Public Resources Code section 21000 et seq.

**Civil Engineer.** An individual registered by the state to practice civil engineering and to use the title, civil engineer.

**Coastal Zone.** The portion of the county within the California Coastal Zone, as defined by Public Resources Code section 30103.

**Commercial Orchard.** Any orchard producing fruit or nuts for commercial purposes.

**Commercial Vineyard.** Any vineyard producing wine grapes for commercial purposes.

**Compaction.** The densification of a fill by mechanical means.

**Contiguous riparian vegetation.** Riparian vegetation that is physically touching or adjacent, and not separated by features like roads, developed land, or cropland.

**County Land Use Approval.** A discretionary permit or approval granted by the county pursuant to Chapter 25, 26, or 26C of this code.

**Cropland.** Land devoted to the production of agricultural crops.

**Cut.** See excavation.

**Deep Ripping.** The mechanical manipulation of the soil at depths greater than 16 inches to break up or pierce highly compacted, impermeable or slowly permeable subsurface soil layers, or other similar kinds of restrictive soil layers.

**Delineated Wetland Boundary.** The precise edge of a wetland identified by a wetland delineation study.

**Department.** The Department of Agriculture/Weights & Measures of the county.

**Department's Best Management Practices for Agricultural Erosion and Sediment Control.** The compilation of best management practices adopted or amended by the agricultural commissioner pursuant to Section 36.02.060.

**Design Discharge.** See the Flood Control Design Criteria Manual.

**Designated Critical Habitat Area.** The critical habitat for a listed species designated by the U.S. Fish and Wildlife Service or NOAA Fisheries pursuant to 16 U.S.C. § 1532(5).

**Designated Watershed or Sub-Watershed.** A watershed or sub-watershed designated in the general plan.

**Discretionary Permit Application.** A permit application that includes a request pursuant to Section 36.10.030.D for relief from the standards in Article 16.

**Drainage.** Refers to the collection, conveyance, containment, and/or discharge of stormwater runoff.

**Drainage Alteration.** Construction or modification of any drainage system.

**Drainage Facility.** A constructed component of a drainage system.

**Drainage System.** Constructed and/or natural features that work together to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater runoff, including detention and retention basins, overland flow paths, pipes, channels, and the inlets and outlets to these features.

**Earth Material.** Any rock or natural soil or combination thereof.

**Embankment.** A fill consisting of a deposit of soil, rock, or other materials mechanically placed.

**Engineering Geologist.** A professional geologist certified by the state as an engineering geologist.

**Erosion.** The process by which soil particles are detached and transported by the actions of wind, water, or gravity.

**Excavation.** The removal of earth material by artificial means, also referred to as a cut.

**Fill.** The deposition of earth material by artificial means. Fill does not include soil amendment and fertilizing materials.

**Final New Planting Work.** The work undertaken as part of the final phase of new vineyard or orchard planting, including laying out of vineyard or orchard blocks and vine or tree rows, construction or modification of aboveground vineyard or orchard infrastructure, planting of grapevines or orchard trees, and other similar work.

**Final Replanting Work.** The work undertaken as part of the final phase of vineyard or orchard replanting, including laying out of vineyard or orchard blocks and vine or tree rows, construction or modification of aboveground vineyard or orchard infrastructure, planting of grapevines or orchard trees, and other similar work.

**Flood Control Design Criteria Manual.** The Flood Control Design Criteria Manual for Waterways, Channels, and Closed Conduits, Sonoma County Water Agency, latest edition.

**Flood-Prone Urban Area.** The area within the boundaries defined on the north by River Road; on the west by the easterly boundary of the Laguna de Santa Rosa to its intersection with Highway 12 and continuing with the easterly limit of the city of Sebastopol to Highway 116; on the south by Highway 116 to its intersection with Old Redwood Highway then south to East Cotati Avenue and east to its intersection with Petaluma Hill Road; and on the east by Petaluma Hill Road, north to Highway 12 then west to Highway 101 and north to River Road.

**Focused Species Assessment.** A study prepared by a qualified professional biologist to identify any potential habitat present on a site within a designated critical habitat area suitable to support the listed species for which the critical habitat has been designated, identify potential impacts, and recommend appropriate avoidance measures, if warranted. A focused species assessment must meet the general requirements specified in the department's guidelines for preparing biotic resource assessments, except that the assessment shall only include analysis of the listed species for which the critical habitat has been designated.

**General Plan.** The Sonoma County General Plan.

**Geologic Hazard.** Slope instability, landsliding, fault displacement, liquefaction, flooding, subsidence, differential settlement, expansive soil, creeping soil, or other similar geologic condition, either mapped or observed in the field.

**Geologic Hazard Area Combining District.** See Article 70 of Chapter 26 and Article XXV of Chapter 26C of this code.

**Grading.** An excavation or fill or combination thereof. Grading does not include routine farming practices, such as soil preparation, planting, seeding, and other similar activities.

**Grading Area.** The land area subject to agricultural grading.

**Ground Disturbance.** Any work, operation, or activity that results in the penetration or compaction of the ground, including land clearing, vegetation removal, soil preparation, agricultural grading, storage of supplies and equipment, use of hand tools, heavy equipment, and heavy trucks, and any other similar activities.

**Highly Erodible Soils.** Soils in the Diablo, Dibble, Goldridge, Laughlin, Los Osos, Steinbeck, and Suther soil series as mapped by the U.S. Department of Agriculture.

**Hobby Orchard.** Any orchard producing fruit or nuts for non-commercial hobby purposes.

**Hobby Vineyard.** Any vineyard producing wine grapes for non-commercial hobby purposes.

**Initial New Planting Work.** The work undertaken as part of the initial phase of new vineyard or orchard planting, including land clearing, vegetation removal, soil preparation, agricultural grading, construction or modification of vineyard or orchard infrastructure, and other similar work.

**Initial Replanting Work.** The work undertaken as part of the initial phase of vineyard or orchard replanting, including land clearing, vegetation removal, soil preparation, agricultural grading, construction or modification of vineyard or orchard infrastructure, and other similar work.

**Invasive Plant Species.** Any plant species that is not native to an environment, and once introduced, establishes, quickly reproduces and spreads, and causes harm to the environment, economy, or human health. Examples of invasive plants include Himalayan blackberry (*Rubus armeniacus*), giant reed (*Arundo donax*), salt cedar (*Tamarix sp.*) and star thistle (*Centaurea solstitialis*).

**Irrigation System.** Equipment and facilities installed to apply water for irrigation and frost protection, including water source, water distribution network, control components, emission devices, and other irrigation equipment.

**Key.** A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

**Lake.** A permanent natural body of water, or an artificially impounded body of water, isolated from the sea, with at least one acre of open water of sufficient depth and permanency to prevent complete coverage by rooted aquatic plants

**Land Clearing.** The removal of trees, stumps, and other vegetation, including grapevines and orchard trees, by any method.

**Landscape Architect.** An individual licensed by the state to practice landscape architecture and to use the title, landscape architect.

**Licensed Professional.** An architect, civil engineer, landscape architect, professional geologist, or registered professional forester.

**Listed Species.** Any plant or animal species protected by the federal Endangered Species Act of 1973 (16 U.S.C. § 1531 et seq.) or the state Fish and Game Code.

**Local Coastal Plan.** The Sonoma County Local Coastal Plan.

**Ministerial Permit Application.** A permit application that does not include a request pursuant to Section 36.10.030.D for relief from the standards in Article 16.

**MS4 Permit.** A Municipal Separate Storm Sewer Systems National Pollutant Discharge Elimination System Permit.

**Natural Slope.** The slope of the ground prior to any soil disturbance. Natural slope shall be determined by measuring the horizontal distance between adjacent contours on a USGS 7.5 minute quadrangle map or other topographic map acceptable to the county with a scale of not less than 1:24000 (1" = 2000') and contour intervals of not more than 20 feet, and then dividing the difference in elevation between the two contours by the measured horizontal distance. The horizontal distance shall be measured perpendicular to the contours.

**New Orchard Planting.** The planting of a new orchard, increasing the footprint of an existing orchard, or replanting of an existing orchard that does not qualify as an orchard replanting, as defined herein.

**New Planting.** See new vineyard planting or new orchard planting.

**New Planting Area.** The land area subject to a new vineyard planting or new orchard planting.

**New Vineyard Planting.** The planting of a new vineyard, increasing the footprint of an existing vineyard, or replanting of an existing vineyard that does not qualify as a vineyard replanting, as defined herein.

**Non-Cohesive Soil.** Soil where the particle size of the smaller than 2 mm fraction of the soil is coarser than Loam as defined by the Natural Resources Conservation Service soil texture classification scheme.

**Non-Rainy Season.** The period of the year during which there is not a substantial chance of precipitation. For the purposes of this chapter, the non-rainy season is defined as starting on May 1 and ending on September 30.

**Orchard.** A planting of orchard trees. Land devoted to the cultivation of such a planting.

**Orchard Development.** Any new orchard planting or orchard replanting.

**Orchard Infrastructure.** The drainage system, irrigation system, and other basic facilities and systems needed for the operation of an orchard.

**Orchard Replanting.** The replanting of an existing orchard where the orchard is under active cultivation, no orchard trees are removed prior to the issuance of a vineyard and orchard development permit, unless the replanting is exempt from permit requirements, and the footprint of the orchard is not increased.

**Orchard Tree.** Any fruit- or nut-bearing tree.

**Permit Application.** An application for a permit required by this chapter.

**Permit Holder.** The owner of the site. See Section 36.12.020.C.

**Permittee.** The permit holder or an authorized agent of the permit holder.

**Person.** Any individual, firm, partnership, corporation, company, association, joint stock association; city, county, state, or district; tribe; and includes any trustee, receiver, assignee, or other similar representative thereof.

**Pit.** An earthen excavation designed to store water.

**Pond.** A body of still freshwater smaller than a lake, often artificially impounded.

**Professional Biologist.** An individual possessing academic and professional experience in biological sciences and related resource management activities who is able to identify biotic resources and can recognize and is familiar with the habitats and behaviors of listed species that may be present in the county. The individual must have specialized skills and appropriate licenses/permits/certifications specific to the study being conducted (e.g., general botanical, wetland, and wildlife habitat knowledge for biotic resource assessments and focused species assessments, applicable permits to handle special status wildlife species for presence/absence surveys, and certification by the U.S. Army Corps of Engineers in wetland delineation for wetland assessments and wetland delineation studies).

**Professional Geologist.** An individual registered by the state to practice geology and to use the title, professional geologist.



**Public Agency.** Any state or federal agency, any city, county, or special district.

**Qualifying Rain Event.** Any weather pattern that is forecasted by the National Weather Service to have a 50 percent or greater chance of producing 0.5 inches or more precipitation on a site within a 48 hour or greater period between rain events.

**Rain Event.** Any weather pattern producing precipitation.

**Rainy Season.** The period of the year during which there is a substantial chance of precipitation. For the purposes of this chapter, the rainy season is defined as starting on October 1 and ending on April 30.

**Registered Environmental Health Specialist.** An individual registered by the state to practice as an environmental health specialist and to use the title, registered environmental health specialist.

**Registered Professional Forester.** An individual licensed by the state to practice forestry and to use the title, registered professional forester.

**Replanting.** See vineyard replanting or orchard replanting.

**Replanting Area.** The land area subject to a vineyard replanting or orchard replanting.

**Reservoir.** A water storage structure made by constructing a dam, embankment, or pit with an impermeable liner such as clay or synthetic material.

**Ridgetop.** A relatively flat topographic divide above divergent and descending slopes where one or more of the descending slopes has a natural slope greater than 50 percent for more than 50 feet in slope length.

**Riparian Vegetation.** Plant communities contiguous to and affected by surface and subsurface hydrologic features of water bodies (rivers, streams, lakes, or wetlands) that have one or both of the following characteristics: (1) distinctly different vegetative species than adjacent areas, and (2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian vegetation is usually transitional between wetland and upland.

**Road.** Any public or private road.

**Santa Rosa Plain Groundwater Subbasin.** The Santa Rosa Plain Groundwater Subbasin, as designated by the California Department of Water Resources in Bulletin 118 (Groundwater Basin No. 1-55.01).

**Sediment.** Solid particulate matter, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

**Setback Area.** The area within a setback required by Sections 36.16.070 through 36.16.120.

**Site.** All or part of a parcel or adjoining parcels under single ownership or control where vineyard or orchard development or agricultural grading or drainage is performed or permitted; considered a unit for the purposes of this chapter.

**Slope.** An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance (e.g., 2:1) or as a percentage (e.g., 50 percent).

**Soil Amendment and Fertilizing Materials.** Organic and in-organic substances applied to the existing soil to improve physical properties of the soil or increase available nutrients in the soil. Soil amendment and fertilizing materials include commercial fertilizers, agricultural minerals such as gypsum and lime, pumice, straw, and manure.

**Soil Disturbance.** Any alteration to the natural surface of the ground through the use of construction equipment, tractors, or other mechanized equipment.

**Soil Preparation.** Deep ripping, chisel plowing, field cultivating, disking, plowing, harrowing, cultipacking, rototilling, application of soil amendment and fertilizing materials, and other similar activities.

**Soils Engineer.** A civil engineer experienced and knowledgeable in the practice of soils engineering.

**Soils Engineering.** The application of the principles of soils mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

**Soils Report.** A soils report prepared by a soils engineer, which identifies the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

**Special Flood Hazard Area.** Any area designated by the Federal Emergency Management Agency as subject to flooding by the 1 percent annual chance flood (100-year flood).

**State CEQA Guidelines.** California Code of Regulations, title 14, section 15000 et seq.

**Stormwater Runoff.** Surface runoff generated by a rain event.

**Stream.** Any natural channel with bed and banks containing flowing water or showing evidence of having contained flowing water, such as deposit of rock, sand, gravel, or soil. Stream includes creeks and rivers.

**Surface Runoff.** Any water that flows over the land surface.

**Terrace.** A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

**Tree.** A woody perennial plant, typically large with a well-defined stem carrying a definite crown, with a minimum diameter at breast height of five inches, and a minimum height of 15 feet.

**Tree Removal.** The removal of more than one-half acre of tree canopy within a new planting area.

**Tree Canopy.** The more or less continuous cover of branches formed by the crowns of adjacent trees other than orchard trees.

**Trellis System.** Structures put in place to support and train grapevines in vine rows, including end posts, T-posts, wire, and other trellis materials.

**Tribe.** A California Native American tribe that is on the contact list maintained by the Native American Heritage Commission.

**USGS 7.5 Minute Quadrangle Map.** The 7.5 minute series United States Geological Survey quadrangle map most recently published.

**Vegetation.** All natural, non-cultivated plant life, including the root system, stem, trunk, crown, branches, leaves, and blades.

**Vegetation Removal.** The cutting, breaking, burning, or uprooting of vegetation, the application of herbicide to vegetation, the covering over of vegetation with earth, or the compacting of the soil under and around vegetation. Vegetation removal does not include removal of invasive plant species.

**Vegetative Filter Strip.** An area seeded to close growing or sod forming grasses, designed to filter out soil and other pollutants carried in stormwater or waste water.

**Vineyard.** A planting of grapevines. Land devoted to the cultivation of such a planting.

**Vineyard and Orchard Development Permit.** See Section 36.04.010.

**Vineyard Development.** Any new vineyard planting or vineyard replanting.

**Vineyard Infrastructure.** The drainage system, irrigation system, trellis system, and other basic facilities and systems needed for the operation of a vineyard.

**Vineyard Replanting.** The replanting of an existing vineyard where the vineyard is under active cultivation, no grapevines are removed prior to the issuance of a vineyard and orchard

development permit, unless the replanting is exempt from permit requirements, and the footprint of the vineyard is not increased.

**Watercourse.** Any stream, or any artificial channel constructed to facilitate the use of water or convey stormwater runoff.

**Wetland.** Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. A wetland must have one or more of the following three attributes in the Coastal Zone, and two or more of the following three attributes in all other parts of the unincorporated area of the county:

1. At least periodically, the land supports predominantly hydrophytes (plants specifically adapted to live in wetlands).
2. The substrate is predominantly undrained hydric soil.
3. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

**Wetland Assessment.** A study prepared by a qualified professional biologist to identify and approximately map the boundary of wetlands on a site, conduct an assessment of the condition of the wetlands, and recommend an appropriate setback and management practices for the setback area. A wetland assessment must meet the general requirements specified in the department's guidelines for preparing wetland assessments.

**Wetland Delineation Study.** A study prepared by a qualified professional biologist to identify and precisely map the boundary of wetlands on a site and recommend appropriate management practices for the setback area. A wetland delineation study must meet the general requirements specified in the department's guidelines for preparing wetland delineation studies.

**Zoning Code.** Chapters 26 and 26C of this code.



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 5**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors / Board of Directors

**Board Agenda Date:** December 19, 2017

**Vote Requirement:** Majority

**Department or Agency Name(s):** County Administrator/Agricultural Preservation and Open Space District/Sonoma County Water Agency

**Staff Name and Phone Number:**

Sheryl Bratton 707-565-2231

**Supervisory District(s):**

All

**Title:** Office of Recovery and Resiliency

### **Recommended Actions:**

Adopt a Concurrent Resolution creating the Office of Recovery and Resiliency

### **Executive Summary:**

At the Board meeting of December 12, 2017, your Board received a report on recovery efforts, specifically a post-disaster fiscal update and a proposal to create an Office of Recovery & Resiliency within the County Administrator's Office. Your Board gave direction for the County Administrator to return on December 19, 2017 with a Resolution approving the creation of the Office of Recovery & Resiliency, and for the County Administrator to pursue creation of administrative analyst position series, and coordinate with Sonoma County Water Agency and Agricultural Preservation and Open Space District to establish a natural resources professional position supporting the new office.

### **Discussion:**

Given the magnitude of the 2017 Sonoma Complex Fires, it is important for the County to develop a formal plan that will provide the foundation for optimal integration of public, private, and nongovernmental recovery efforts across the community. The proposed Office of Recovery and Resiliency (hereinafter "Office") will directly support the Board of Supervisors as the Board develops such a plan (hereinafter "Recovery and Resiliency Plan") to address the short, mid and long term recovery and rebuild efforts needed to ensure the future safety, livelihoods, and economic prosperity of the residents of Sonoma County. The Recovery and Resiliency Plan will set out strategies for recovery in five critical areas: housing, natural resources, economic recovery, infrastructure, and health and human safety net.

The Office will require establishing a budget and dedicated staff for at least five years. The Office would be contained within the County Administrator's Office, and all departments and agencies working on components of the Recovery and Resiliency Plan would report up through this new Office to the County

Administrator under her Director of Emergency Service designation (Sonoma County Code Chapter 10 Article 1 Section 10-4) to ensure coordination of efforts and provide clear accountability for the Board and the public.

The Office will be staffed with one Deputy County Administrator, one Principal Administrative Analyst, and one Administrative Aide from the County Administrator Office's existing full-time employee allocations. In addition, the Office will be resourced with three new time project administrative analyst positions, for up to five years.

A Sonoma County Water Agency (hereafter "Agency") and Sonoma County Agricultural Preservation and Open Space District (hereafter "District") funded natural resources professional shall be part of the Office staffing. Paragraph 4 of the Expenditure Plan of the District authorizes the District to expend funds for the protection, restoration, and management of biotic habitat areas, riparian corridors, and other areas of biotic significance, including freshwater and tidal marshes, wetlands, special status species locations, woodlands and forests, wildlife habitat corridors and lands along creeks and streams critical to protecting fisheries and water quality. The Agency's mission is to effectively manage the water resources in its care for the benefit of people and the environment and may expend funds to manage the natural resources to provide sustainable and high quality water supply, flood control, and wastewater services while protecting the environment for future generations. Pursuant to these provisions, the resources professional would be hired by either the District or the Agency and the position would be embedded into the Office for the next two years. The cost of the dedicated position would be shared between the District and the Agency through a cost sharing funding agreement.

While the goal is to receive Federal reimbursement for the costs of the new Office, staff will identify current funding options to support the effort, including re-directing a portion of General Fund Reinvestment and Revitalization funds and a portion of the Transient Occupancy Tax revenues. These two potential funding streams will align to the housing priority and the economic recovery priority of the Recovery and Resiliency Plan. The County Administrator will return to the Board in early January 2018 with various funding options, as well as budget and position allocation adjustments.

Pursuant to the direction of the Board on December 12, 2017, it is recommended that the Board of Supervisors, adopt a Resolution Approving the Office of Recovery & Resiliency.

**Prior Board Actions:**

12/12/17: Receive report and recommendations of the County Administrator to establish the Office of Recovery & Resiliency

**Strategic Plan Alignment**      Goal 3: Invest in the Future

Establishing an Office of Recovery & Resiliency for post-disaster recovery and long term resilience will support the Recovery and Resiliency Plan to address long term recovery and rebuild efforts, prepare our community for any future disaster event, and provide a framework for the Board to partner with the community to invest in the future.

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses	\$	\$	\$
Additional Appropriation Requested	\$		
<b>Total Expenditures</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Funding Sources			
General Fund/WA GF/APOSD	\$	\$	\$
State/Federal			
Fees/Other	\$	\$	\$
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			
<b>Narrative Explanation of Fiscal Impacts:</b>			
Overall staffing costs for FY 2017-18 are estimated to be \$400,000 (including the Agency/District position of natural resource professional). Initial funding options under consideration include Agency and District funds, as well as General Fund Reinvestment and Revitalization and Transient Occupancy Tax available fund balances. Requests to adjust the County Administrator, Agency, and District budgets will be presented in January 2017.			
<b>Staffing Impacts</b>			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
Establishment of adequate job classifications is underway under the Human Resources and Civil Services Commission processes.			
<b>Attachments:</b>			
Concurrent Resolution			
<b>Related Items “On File” with the Clerk of the Board:</b>			



# County of Sonoma

## State of California

Date: December 19, 2017

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_



4/5 Vote Required

**Concurrent Resolution of the Board of Supervisors of the County of Sonoma, the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District, and the Board of Directors of the Sonoma County Water Agency, State Of California, Approving the Establishment of an Office of Recovery and Resiliency Within the Sonoma County Administrator's Office**

**Whereas**, the Sonoma Complex Fires began on Sunday, October 8, 2017, burning 110,720 acres and destroying 6,950 structures until 100% containment was finally achieved on October 31, 2017, resulting in the most devastating wildfires in the history of the State of California; and

**Whereas**, the County Administrator of the County of Sonoma proclaimed the existence of a local emergency within the Sonoma County Operational Area on October 9, 2017 and subsequently requested the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

**Whereas**, on October 10, 2017, the Board of Supervisors of the County of Sonoma adopted Resolution No. 17-0389 ratifying the County Administrator's Proclamations of the existence of a local emergency relating to the Sonoma Complex Fires; and

**Whereas**, the Governor of the State of California proclaimed a State of Emergency and declared eligibility for Fire Management Assistance Grant and other relief programs; and

**Whereas**, the Federal Government made a Presidential Declaration of the existence of a major disaster for the State of California (FEMA-4344-DR), dated October 10, 2017, and related determinations and amendments; and

**Whereas**, the Board of Supervisors has renewed Resolution No. 17-0389 proclaiming the existence of a local emergency continues, pursuant to California Government Code section 8630 of Article 14, Local Emergency, of Chapter 7 of the Emergency Services Act; and



**Whereas**, the vast scope of the destruction of the fire has necessitated ongoing, unprecedented and unique clean-up and mitigation efforts of structures, infrastructure, waterways, and open lands; and

**Whereas**, additional resources are necessary to successfully continue the clean-up and rebuilding efforts to ensure the future safety, livelihoods, and economic prosperity of the residents of Sonoma County; and

**Whereas**, the recovery efforts are expected to extend several years and it is necessary to create an office dedicated to support the Boards' efforts towards recovery; and

**Whereas**, it is essential to have a strong accountability structure that will support the Board in achieving the goals and objectives of the Recovery Plan; and

**Whereas**, Section 2-8 (b) of the Sonoma County Code delegates to the County Administrator the power to:

“(b) supervise, direct and coordinate the administration of all county offices, departments and institutions, and the official conduct of all county officers and officers of all districts and subdivisions of the county, as to all matters over which the board of supervisors has responsibility and control”; and

**Whereas**, Section 10-4 of the Sonoma County Code designates the County Administrator as the Director of Emergency Services; and

**Whereas**, the Agricultural Preservation and Open Space District (“District”) is funded by a voter approved special tax (Measure F); and

**Whereas**, use of those special tax funds is governed by a voter approved expenditure plan (Exhibit “A” to Measure F) (the “Expenditure Plan”); and

**Whereas**, Paragraph 4 of the Expenditure Plan authorizes the District to expend funds for the protection, restoration, and management of biotic habitat areas, riparian corridors, and other areas of biotic significance, including freshwater and tidal marshes, wetlands, special status species locations, woodlands and forests, wildlife habitat corridors and lands along creeks and streams critical to protecting fisheries and water quality; and

**Whereas**, the Office of Recovery & Resiliency will, among other things, focus on implementing risk mitigation measures designed to protect the County's natural resources—including biotic habitat areas, riparian corridors, freshwater and tidal marshes, wetlands, special status species

locations, woodlands and forests, wildlife habitat corridors and lands along creeks and streams critical to protecting fisheries and water quality from the destruction—from future natural disasters; and

**Whereas**, the Sonoma County Water Agency (“Water Agency”) is responsible for water supply, flood control, and wastewater services countywide; and

**Whereas**, the Water Agency's mission is to effectively manage the water resources in its care for the benefit of people and the environment through resource and environmental stewardship; and

**Whereas**, in order to meet these responsibilities, the Water Agency may expend funds to manage the natural resources with which it is entrusted to provide sustainable and high quality water supply, flood control, and wastewater services while protecting the environment for future generations; and

**Whereas**, the Water Agency possesses unique expertise related to infrastructure needs and natural resource protection and management that would greatly assist the Office of Recovery & Resiliency plan; and

**Whereas**, the Board of Supervisors of the County of Sonoma, the Board of Directors of the Agricultural Preservation and Open Space District, and the Board of Directors of the Sonoma County Water Agency, (collectively, the “Boards”) desire to have the County Administrator oversee the Recovery and Resiliency Plan.

**Now, Therefore, Be It Resolved** that the Board of Supervisors of the County of Sonoma, the Board of Directors of the Agricultural Preservation and Open Space District, and the Board of Directors of the Sonoma County Water Agency, hereby find the need to establish a dedicated Office of Recovery and Resiliency within the Sonoma County Administrator’s Office to successfully manage and coordinate community post-fire recovery efforts and long term measures to enhance our overall resiliency to meet future disasters;

**Be It Further Resolved** that the Boards finds that the recovery efforts must be the number one priority of the County for the next several years;

**Be It Further Resolved** that the Boards are committed to preparing and adopting a Countywide Recovery Plan that addresses the needs of each entity and that it is important for the success of the Plan, that the County Administrator have accountability for the implementation of the Plan;

**Be It Further Resolved** that the Boards hereby delegate to the County Administrator authority over all aspects of implementation of the Recovery Plan and that department heads and agency directors are directed to report through the Office of Recovery and Resiliency for all elements of the Recovery Plan;

**Be It Further Resolved** that the County Administrator shall proceed with the creation of three new time-limited administrative analyst positions to support the Office of Recovery and Resiliency and coordinate the establishment of a natural resources professional position with Sonoma County Water Agency and the Agricultural and Open Space District managers;

**Be It Further Resolved**, that the Board of Directors of the Agricultural Preservation and Open Space District, and the Board of Directors of the Sonoma County Water Agency direct their respective General Managers to identify the appropriate staffing position to embed into the Office of Recovery and Resiliency so that the components of the Recovery Plan that are adopted by the Sonoma County Water Agency and the Sonoma County Agricultural and Preservation Open Space District have appropriate staffing to manage efforts aimed to restore the watershed, protect property from future disasters, and create a more disaster resilient environmental landscape while continuing to identify and mitigate remaining safety, habitat and water quality risks;

**Be It Further Resolved** that the Board of Directors of the Agricultural Preservation and Open Space District finds that, if necessary, providing funding for staffing identified by the District General Manager to support the Natural Resources Unit of the Office of Recovery & Resiliency is consistent with the District's voter approved Expenditure Plan;

**Be It Further Resolved** that the Board of Directors of the Sonoma County Water Agency finds that providing the staffing identified by the Agency's General Manager to support the Natural Resources Unit and the Infrastructure Unit of the Office of Recovery & Resiliency is consistent with the Water Agency's mission and statutory authority to manage the natural resources with which it is entrusted to provide sustainable and high quality water supply, flood control, and wastewater services while protecting the environment for future generations.

**PASSED AND ADOPTED by the Board/Directors this 19th day of December, 2017, by the following vote:**

**Supervisors:**

Gorin:

Rabbitt:

Gore:

Hopkins:

Zane:

Ayes:

Noes: 0

Absent:

Abstain:

**So Ordered.**





## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 6**  
(This Section for use by Clerk of the Board Only.)

Board of Supervisors

December 19, 2017

Majority

County Administrator  
County Counsel  
Department of Health Services

Sheryl Bratton, 565-2241  
Bruce Goldstein, 565-2421  
Dr. Karen Milman, 565-8695  
Christine Sosko, 565-6565

All

Resolution Extending the Joint Proclamation of Local Health Emergency Issued by County Health Officer and County Environmental Health & Safety Officer

Adopt a Resolution Extending the Joint Proclamation of Local Health Emergency Issued by County Health Officer and County Environmental Health & Safety Officer to Ensure Safe Removal of Debris Caused by the Complex Fire.

This item requests the Board of Supervisors adopt a resolution extending the joint proclamation of local health emergency issued by the County Health Officer and County Environmental Health & Safety Officer in the Sonoma County Operational Area to ensure safe removal of the fire-related debris from multiple complex fires that began on Sunday, October 9, 2017, causing extreme property damage and health and safety concerns. The County Administrator proclaimed the Existence of a Local Emergency on October 9, 2017. The Board of Supervisors ratified that proclamation on October 10, 2017, and subsequently extended it for additional 30 day periods on November 7, 2017, and December 5, 2017. The Complex Fires ravaged Sonoma County leaving an unprecedented debris field in the wake. The removal of debris from a wildfire disaster creates unique concerns due to the potential presence of hazardous materials and the large scale of the incident. On October 12, 2017, the County Health Officer and County Environmental Health & Safety Officer jointly proclaimed the existence of a local health emergency. The Board adopted Resolution No. 17-0391 ratifying the joint proclamation of local health emergency on October 17, 2017, and subsequently adopted Resolution No. 17-0425 on October 31, 2017, Resolution No. 17-0432 on November 7, 2017, Resolution No. 17-0453 on November 21, 2017, and Resolution No. 17-0458 on December 5, 2017, extending the proclamation of local health emergency. As

required by Health and Safety Code section 101080, the Board must review the proclamation of local health emergency at least every 14 days and determine if there is a need for continuing the local health emergency.

**Discussion:**

The complex fires began on Sunday, October 9, 2017. In response, the Emergency Operations Center (EOC) was activated at approximately 12:00 a.m. on Monday, October 9, 2017, to assist with managing the impacts. In the early morning hours on Monday, the County issued advisory evacuation notices to various impacted areas of Sonoma County. Shelter was made available at various locations throughout the County, and first responders have been actively engaged in multiple areas throughout the County since the complex fires' advance into the County.

The County Administrator/Director of Emergency Services issued a Proclamation of Existence of Local Emergency in Sonoma County Operational Area in the early morning hours of Monday, October 9, 2017, as soon as reports of quickly-moving fires and health and safety concerns arrived. Later that day, the County Administrator supplemented that Proclamation and requested state and federal assistance. The Board of Supervisors ratified the County Administrator's Proclamation of the Existence of a Local Emergency on October 10, 2017, and extended the proclamation of local emergency on November 7, 2017.

The scope of the disaster caused the Governor of the State of California to proclaim a State of Emergency and declare eligibility for Fire Management Assistance Grant and other relief programs. Further, the President of the United States declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, including the Complex Fire in Sonoma County.

The removal of debris from a wildfire disaster creates unique concerns due to the potential presence of hazardous materials and the large scale of the incident. Debris from large-scale incidents such as the Complex Fire include building materials, sediment (sand/gravel), vegetative or organic matter (trees, plants, etc.), vehicles, electronics, clothing, and other personal property. Some of this debris may contain potentially hazardous substances that require special handling for disposal to properly protect environmental health. Debris from a catastrophic incident like the Complex Fire should be cleaned up, transported, and disposed of in a manner that protects the public health and conforms to local, state, and federal requirements.

Based on the risk to public health posed by the fire debris, the Health Officer and the Director of Environmental Health and Safety for the County of Sonoma jointly proclaimed the existence of a local health emergency pursuant to the authority conferred on them by Health & Safety Code section 101080. The Board of Supervisors ratified the County Health Officer's and the Director of Environmental Health and Safety's Joint Proclamation of the Existence of a Local Health Emergency ("Joint Proclamation") on October 17, 2017, and previously extended the local health emergency on October 24, 2017, November 7, 2017, November 21, 2017, and December 5, 2017, in accordance with the provisions of Health & Safety Code section 101080. The Health & Safety Code requires the Board of Supervisors review the Joint Proclamation every 14 days and determine if there is a need to continue the local health emergency. The Board is obligated to terminate the local health emergency at the earliest possible date that conditions warrant the termination.

The volume of fire debris that must be removed continues to pose extensive public health and environmental risks. Because of its hazardous nature, ash and fire debris cannot be taken to County landfills,

and it is illegal to dispose of ash and debris along road sides or on public or private lands. Debris from a wildfire disaster also creates serious concerns for water quality and supply due to the presence of hazardous materials and the damage to sewer service laterals. The County Health Officer issued an emergency order prohibiting the endangerment of the public health and safety through the unsafe removal, transport, and disposal of fire debris. That order provides that no ash or debris may be removed prior to an inspection and requiring County authorization for ash removal.

Clean up is now underway. To date, the County has received 4,540 right-of-entries for the residential properties participating in the public debris removal process. The Army Corps of Engineers has cleared 477 of those sites, but the vast majority of the fire-damaged sites (approximately 89 percent) remain to be cleared. The fire debris continues to pose an immediate risk to public health, safety, and the environment if harmful chemicals or waste enter the wastewater collection systems. The onset of the rainy season has compounded those risks. The rainy season officially began on November 1, and a series of storms (including the first official atmospheric river of the season) have already dropped up to three inches of rain on the fire burned areas. The National Oceanic and Atmospheric Administration is forecasting another wet winter for the North Bay region. As long as the fire debris remains on the ground, it poses an imminent and extensive threat to public health and safety, the environment (including local water quality and supply due to the presence of hazardous materials), public infrastructure, and undamaged property.

Staff recommends that the Board extend the County Health Officer's/County Environmental Health & Safety Officer's Joint Proclamation of local health emergency in order to ensure that the debris is removed and disposed of in a manner that protects the public health and safety. The Board must review and renew this emergency proclamation again in 14 days and every 14 days thereafter until the Board determines that conditions warrant the termination. When conditions improve, staff will request the Board formally terminate the emergency.

#### **Prior Board Actions:**

December 5, 2019: Board adopted Resolution No. 17-0458 extending the County Health Officer's/County Environmental Health & Safety Officer's Joint Proclamation of the existence of a local health emergency with the Sonoma County Operation Area  
November 21, 2017: Board adopted Resolution No. 17-0453 extending the County Health Officer's/County Environmental Health & Safety Officer's Joint Proclamation of the existence of a local health emergency with the Sonoma County Operation Area  
November 7, 2017: Board adopted Resolution No. 17-0432 extending the County Health Officer's/County Environmental Health & Safety Officer's Joint Proclamation of the existence of a local health emergency with the Sonoma County Operation Area  
October 31, 2017: Board adopted Resolution No. 17-0425 extending the County Health Officer's/County Environmental Health & Safety Officer's Joint Proclamation of the existence of a local health emergency with the Sonoma County Operation Area  
October 17, 2017: Board adopted Resolution No. 17-0391 ratifying the County Health Officer's/County Environmental Health & Safety Officer's Joint Proclamation of the existence of a local health emergency with the Sonoma County Operation Area  
October 10, 2017: Board adopted Resolution No. 17-0389 ratifying the County Administrator's proclamation of the existence of a local emergency with the Sonoma County Operation Area.

<b>Strategic Plan Alignment</b> Goal 1: Safe, Healthy, and Caring Community			
Issuing a proclamation of local health emergency helps to ensure the safety of the community by alerting residents to the current emergency, helping to advise that residents heed warnings and notifications, and facilitating additional aid. Resolving to waive permit fees and to consider other regulatory waivers will facilitate recovery. Invoking Disaster Leave provisions will ensure that impacted employees are able to dedicate time and effort to personal and community disaster recovery.			
<b>Fiscal Summary</b>			
<b>Expenditures</b>	<b>FY 17-18 Adopted</b>	<b>FY 18-19 Projected</b>	<b>FY 19-20 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			
<b>Narrative Explanation of Fiscal Impacts:</b>			
<b>Staffing Impacts</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A – I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
<b>Attachments:</b>			
Attachment A: Resolution Extending Proclamation of Local Health Emergency			



Attachment B: Proclamation of Existence of a Local Health Emergency by County Health Officer and County Environmental Health & Safety Officer

Attachment C: Emergency Order of the Sonoma County Health Officer Prohibiting The Unsafe Removal, Transport, and Disposal of Fire Debris

**Related Items “On File” with the Clerk of the Board:**



County of Sonoma  
State of California

Resolution No.

575 Administration Drive  
Santa Rosa, California

Date: 12/19/2017

**RESOLUTION OF BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, EXTENDING JOINT PROCLAMATION OF A LOCAL HEALTH EMERGENCY BY COUNTY OF SONOMA ENVIRONMENTAL HEALTH & SAFETY OFFICER AND COUNTY OF SONOMA HEALTH OFFICER TO ENSURE REMOVE DEBRIS CAUSED BY THE MULTIPLE FIRES IN THE COUNTY OF SONOMA IS REMOVED IN A MANNER THAT PROTECTS PUBLIC HEALTH AND CONFORMS TO LOCAL, STATE, AND FEDERAL REQUIREMENTS**

**WHEREAS**, California Government Code section 8630 and Section 10.5, Chapter 10 of the Sonoma County Code, empowers the County Administrator to proclaim the existence of a local emergency when the county is affected or likely to be affected by a public calamity is subject to ratification by the Board of Supervisors at the earliest practicable time; and

**WHEREAS**, conditions of extreme peril to the safety of persons and property arose within the County caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fire, commencing on or about midnight on the 9<sup>th</sup> day of October, 2017, at which time the Board of Supervisors of the County of Sonoma was not in session; and

**WHEREAS**, the County Administrator of the County of Sonoma did proclaim the existence of a local emergency within the Sonoma County Operational Area on the 9th day of October, 2017 and then made another proclamation with a request that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

**WHEREAS**, on October 10, 2017, the Board of Supervisors adopted Resolution No. 17-0389 ratifying the County Administrator's proclamation of the existence of a local emergency within the Sonoma County Operation Area and requested that the Governor of the

State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

**WHEREAS**, the scope of disaster caused by the fast-moving and widespread scope of the destruction of the fire, including loss of many homes and evacuation of thousands of people, caused the Governor of the State of California to proclaim a State of Emergency and declare eligibility for Fire Management Assistance Grant and other relief programs; and

**WHEREAS**, on October 10, 2017, President Donald J. Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, including the Sonoma Complex Fire, beginning on October 8, 2017, and continuing; and

**WHEREAS**, Health and Safety Code section 101075 confers upon the local Health Officer or the local Director of Environmental Health of political subdivisions of the state emergency powers necessary to protect public health and safety; and

**WHEREAS**, pursuant to Health and Safety Code section 101080, the Health Officer and the Director of Environmental Health and Safety for the County of Sonoma are authorized to proclaim the existence of a local health emergency when this County or any area of the county is affected or likely to be affected such a public health threat while the Board of Supervisors is not in session, subject to ratification by the Board of Supervisors within seven days, and subject to reaffirmation every 14 days thereafter until such local health emergency is terminated; and

**WHEREAS**, the Health Officer and the Director of Environmental Health and Safety for the County of Sonoma hereby found that:

- (a) The Sonoma Fire Complex has created certain hazardous waste conditions in the County in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of thousands of structures; and
- (b) The hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless immediately addressed and managed; and

- (c) There is an imminent and proximate threat of infectious or communicable disease and/or non-communicable biologic agents due to accumulations of perishable foods and other organic materials that normally require refrigeration but have been left to spoil due to lack of electricity and also due to potential contamination or destruction of residential and commercial water supply in the burned areas; and
- (d) The Board of Supervisors of the County of Sonoma is not in session and cannot immediately be called into session; and
- (e) These threats to public health necessitate the proclamation of the existence of a local health emergency; and

**WHEREAS**, on October 17, 2017, the Board of Supervisors adopted Resolution No. 17-0391 ratifying the County Health Officer's and the Director of Environmental Safety's joint proclamation of the existence of a local health emergency within the Sonoma County Operation Area; and

**WHEREAS**, the conditions leading to the issuance of the joint proclamation of the existence of a local health emergency continue to pose an immediate threat to public health, safety, and the environment; and

**WHEREAS**, on October 23, 2017, the County Health Officer issued an emergency order prohibiting the endangerment of the public health and safety through the unsafe removal, transport, and disposal of fire debris and mandating that no ash or debris may be removed prior to an inspection and requiring County authorization for ash removal; and

**WHEREAS**, on October 31, 2017, November 7, 2017, November 21, 2017, and December 5, 2017, respectively, the Board of Supervisors reviewed the joint proclamation of local health emergency as required by Health & Safety Code section 101080 and determined that circumstances warranted continuing the local health emergency at that time; and

**WHEREAS**, the cleanup of fire debris is underway, but only 477 of 4,540 sites have been cleared to date; and

**WHEREAS**, the volume of debris that must be removed still continues to pose extensive public health and environmental risks, including creating serious concerns for water

quality and supply due to the presence of hazardous materials and the damage to sewer service laterals, with the majority of sites still needing to be cleared; and

**WHEREAS**, the onset of the rainy season has further exacerbated those public health risks; and

**WHEREAS**, the rainy season officially began on November 1, and a series of storms have already dropped up to three inches of rain on the fire burned areas; and

**WHEREAS**, the National Oceanic and Atmospheric Administration is forecasting another wet winter for the North Bay region; and

**WHEREAS**, as long as the fire debris remains on the ground, it poses an imminent and extensive threat to public health and safety, the environment (including creating serious concerns for water quality and supply due to the presence of hazardous materials and the damage to sewer service laterals), public infrastructure, and undamaged property; and

**WHEREAS**, due to the severity and pervasiveness of the Sonoma Complex Fires disaster, there is an ongoing and imminent threat to public health that supports the need to continue the local health emergency.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED** that during the existence of the Local Health Emergency, the powers, functions, and duties of the County Health Officer and the County Director of Environmental Health and Safety shall be those prescribed by State law and the ordinances, resolutions, and approved plans of the County of Sonoma in order to mitigate the effects of the Local Health Emergency, and the County Director of Environmental Health and Safety is the person designated to receive, process and coordinate aid; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that the Joint Proclamation of the existence of a Local Health Emergency, as issued by the County Health Officer and the County Director of Environmental Health & Safety, is hereby extended by the Board of Supervisors of the County of Sonoma for an additional 14 days; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that this proclamation of local health emergency shall continue to be reviewed by the Board of Supervisors for the need to continue this local emergency at least once every fourteen (14) days until it is proclaimed terminated by the Board of Supervisors; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that a copy of this proclamation be forwarded to the State Director of Emergency Services, the Governor, and all State and Federal legislators representing the County of Sonoma.

**PASSED AND ADOPTED** by the Board this 19th day of December, 2017.

**SUPERVISORS:**

Gorin            Rabbitt            Gore            Hopkins            Zane

Ayes\_\_\_\_\_ Noes\_\_\_\_\_ Absent\_\_\_\_\_ Abstain\_\_\_\_\_

**SO ORDERED**

Resolution No. \_\_\_\_\_

In the Matter of )  
Proclaiming the Existence of )  
"A Local Health Emergency" )

**WHEREAS**, pursuant to Health and Safety Code section 101080, the Health Officer and the Director of Environmental Health and Safety for the County of Sonoma are authorized to proclaim the existence of a local health emergency when this County or any area of the county is affected or likely to be affected such a public health threat while the Board of Supervisors is not in

session, subject to ratification by the Board of Supervisors within seven days, and subject to reaffirmation every 14 days thereafter until such local health emergency is terminated; and

**WHEREAS**, the Health Officer and the Director of Environmental Health and Safety for the County of Sonoma hereby find that:

(a) The Sonoma Fire Complex has created certain hazardous waste conditions in the County in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of thousands of structures; and

(b) The hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless immediately addressed and managed; and

(c) There is an imminent and proximate threat of infectious or communicable disease and/or non-communicable biologic agents due to accumulations of perishable foods and other organic materials that normally require refrigeration but have been left to spoil due to lack of electricity and also due to potential contamination or destruction of residential and commercial water supply in the burned areas; and

(d) The Board of Supervisors of the County of Sonoma is not in session and cannot immediately be called into session; and

(e) These threats to public health necessitate the proclamation of the existence of a local health emergency.

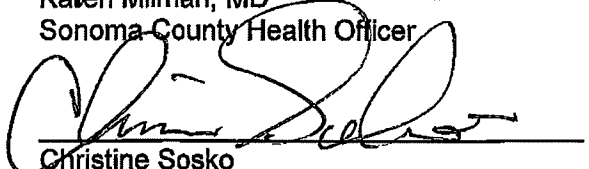
**NOW, THEREFORE, IT IS PROCLAIMED** that a local health emergency now exists in the burned areas of the County, including those areas within the incorporated limits of several of the County's cities, due to hazardous waste in the form of contaminated debris from hazardous waste/materials and structural debris from the ongoing Sonoma Fire Complex and due to contamination of residential food and water supply; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of the local emergency the powers, functions, and duties of the County Health Officer and the Director of Environmental Health and Safety shall be those prescribed by State law, including the provisions of Sections 101040 and 101085 of the Health and Safety Code, and by ordinances, resolutions, and approved plans of the County of Sonoma in order to mitigate the effects of the local emergency.

**THIS ORDER MAY BE SIGNED IN COUNTERPARTS.**

**SIGNED AND SUBSCRIBED** at \_\_\_\_ a.m. this 12<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
Karen Milman, MD  
Sonoma County Health Officer

  
\_\_\_\_\_  
Christine Sosko  
Sonoma County Environmental Health & Safety  
Director



**EMERGENCY ORDER OF THE SONOMA COUNTY HEALTH OFFICER  
PROHIBITING THE ENDANGERMENT OF THE COMMUNITY  
THROUGH THE UNSAFE REMOVAL, TRANSPORT, AND DISPOSAL OF  
FIRE DEBRIS**

WHEREAS the potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster. Debris and ash from residential structure fires contain hazardous substances and the health effects of hazardous substances releases after a wildfire are well-documented.

WHEREAS the combustion of building materials such as siding, roofing tiles, and insulation result in dangerous ash that may contain asbestos, heavy metals, and other hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals may have been stored in homes, garages, or sheds that may have burned in the fire, also producing hazardous materials.

WHEREAS exposure to hazardous substances may lead to acute and chronic health effects, and may cause long-term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community.

WHEREAS areas that have been closed to reentry by residents and the public for safety reasons will be opened in the near future.

WHEREAS the California Office of Emergency Services is establishing a voluntary Fire Debris Clearance Program to ensure the safe removal, transport, and disposal hazardous fire debris.

WHEREAS property owners that do not participate in the Fire Debris Clearance Program must conduct their private debris removal, transport, and disposal in a manner that does not endanger the community and that complies with all legal requirements.

WHEREAS, the Sonoma County Health Officer finds that:

- a. The Sonoma Complex Fire has created hazardous waste conditions in Sonoma County in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of thousands of structures.

- b. This hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless its removal and disposal is performed in a manner that will protect the public health and safety.

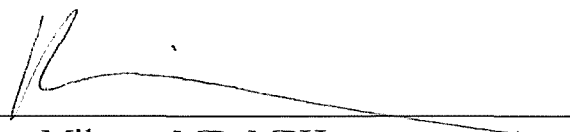
WHEREAS, the Sonoma County Board of Supervisors has proclaimed that the Sonoma Complex Fire has resulted in a local emergency.

WHEREAS Health and Safety Code section 101040 authorizes the Health Officer to require protective measures in the context of a local emergency.

**NOW THEREFORE**, the Sonoma County Health Officer **ORDERS** that:

1. No removal of fire debris from the Sonoma Complex Fire shall occur from residential sites without a hazardous materials inspection conducted either by the U.S. Environmental Protection Agency or California Department of Toxic Substance Control. The term "removal of fire debris" as used in this order includes all cleanup of fire debris, but it does not include the removal of personal property from residential sites.
2. Pending the enactment of additional requirements to address the Sonoma Complex Fire disaster clean up, no debris bins shall be provided to property owners for the purposes of the removal of fire debris without the authorization of the County of Sonoma.
3. Pending the enactment of additional requirements to address the Sonoma Complex Fire disaster clean up, property owners that choose to opt out of the Fire Debris Clearance Program must register and obtain the permission of the County of Sonoma before beginning the removal of fire debris.
4. This order applies in the incorporated and unincorporated areas of Sonoma County impacted by the Sonoma Complex Fire.

**SIGNED AND SUBSCRIBED AT** 08:40 a.m. this 23rd day of October 2017.

  
\_\_\_\_\_  
Karen Milman, MD, MPH  
Sonoma County Health Officer



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 7**  
(This Section for use by Clerk of the Board Only.)

Board of Supervisors

December 19, 2017

4/5

General Services, Transportation and Public Works

Caroline Judy, 565-8058  
Johannes Hoevertsz, 565-3585

All

Terminate the Suspension of Competitive Bidding to Perform Emergency Work to Abate and Stabilize Dangerous Conditions From County Property and Rights-of-Way

Adopt a Resolution Terminating (i) the Suspension of Competitive Bidding Requirements for the Removal of Dangerous Vegetation from County Rights-of-Way Due to the Sonoma Complex Fires and (ii) the Corresponding Delegation of Authority to the Director of Transportation and Public Works.

On October 17, 2017, the Board of Supervisors declared an emergency need to remove dangerous vegetation from county rights-of-way and to stabilize county rights-of-way due to the Sonoma Complex Fires and suspended the requirements for competitive bidding to complete this work and authorized the Director of the Department of Transportation and Public Works to enter into contracts for said work without soliciting bids. On October 24, 2017, the Board of Supervisors declared a similar emergency need to abate and stabilize dangerous conditions on county property and authorized the Director of General Services to enter into contracts to perform said emergency work without soliciting competitive bids. Each of these delegated authorities were subsequently extended in accordance with the provisions of the Public Contract Code. This emergency work has now been completed, and this item requests the Board of Supervisors terminate the suspension of competitive bidding.

The Sonoma Complex Fires began on Sunday, October 9, 2017. In response, the Emergency Operations Center (EOC) was activated at approximately 12:00 a.m. on Monday, October 9, 2017, to assist with managing the impacts. The County Administrator/Director of Emergency Services issued a Proclamation of Existence of Local Emergency in Sonoma County Operational Area in the early morning hours of Monday, October 9, 2017, as soon as reports of quickly-moving fires and health and safety concerns arrived. Later that day, the County Administrator supplemented that Proclamation and requested state and federal assistance. The Board of Supervisors ratified the Proclamation on October 10, 2017, to

continue the local emergency, make available to the County/Operational Area state and local mutual aid, and allow for any state emergency funding if it is made available.

As a result of the Sonoma Complex Fires, dangerous vegetation accumulated along numerous county rights-of-way that was sudden and unexpected, and posed a clear and imminent danger requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. The Board found the Sonoma Complex Fires also created an immediate need to (i) install utilities and appurtenances necessary for the installation of FEMA trailers and the Vista Clinic that provides medical services mostly to low income, Medi-Cal, and uninsured populations within the County of Sonoma, (ii) provide essential public services, (iii) assist in the recovery process, and (iv) abate other dangerous conditions that had arisen in or near County facilities.

Pursuant to Public Contract Code section 22050, the Board of Supervisors authorized the Director of the Department of Transportation and Public Works County to enter into contracts for the removal of dangerous vegetation from county rights-of-way and to stabilize the county rights-of-way to mitigate the emergency conditions caused by the Sonoma Complex Fires without giving notice for bids. The Board of Supervisors also authorized the Director of General Services to enter into contracts for this emergency work without engaging in competitive bidding.

The Public Contract Code requires the Board of Supervisors determine every 14 days after the approval if there is a need to continue the action without competitive bidding. The Board is obligated to terminate the waiver of the bid process at the earliest possible date that conditions warrant so that the remainder of the work may be completed under the bid process.

The emergency work by the Department of Transportation and Public Works initially authorized by the Board on October 17, 2017, through the adoption of Resolution No. 17-0392 (and subsequent extensions) and the emergency work by the Department of General Services originally authorized by the Board on October 24, 2017 (and subsequent extensions) has been completed. Staff recommend that the Board terminate the authority delegated to the Directors of the Department of Transportation and Public Works and the Department of General Services to enter into contracts for the abatement and stabilization of dangerous conditions on or adjacent to county property and county rights-of-way to mitigate the emergency conditions caused by the Sonoma Complex Fires without giving notice for bids be terminated.

**Prior Board Actions:**

11/7/17, 11/21/17, and 12/5/17: The Board of Supervisors and the Boards of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Sonoma County Water Agency, the Russian River County Sanitation District, the Occidental County Sanitation District, the Sonoma Valley County Sanitation District, and the South Park County Sanitation District adopted Resolution No. 17-0433, 17-0452, and 17-0454, respectively, extending emergency contracting authority for 14 days pursuant to California Public Contracts Code section 22050.

10/31/17: The Board of Supervisors adopted Resolution No. 17-0427 extending the delegation of emergency contracting authority to the Director of Transportation and Public Works.

10/24/17: The Board of Supervisors and the Boards of Directors of the Sonoma County Agricultural Preservation and Open Space District, the Sonoma County Water Agency, the Russian River County

Sanitation District, the Occidental County Sanitation District, the Sonoma Valley County Sanitation District, and the South Park County Sanitation District adopted Resolution No. 17-0415.  
 10-17-17: Adopted Resolution No. 17-0392 declaring an emergency need to remove dangerous vegetation from county right-of-way and suspending the requirements for competitive bidding.

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

The Public Contract Code requires the termination of the suspension for competitive bidding for emergency work once the work is complete or the emergency stabilized.

**Fiscal Summary**

<b>Expenditures</b>	<b>FY 17-18 Adopted</b>	<b>FY 18-19 Projected</b>	<b>FY 19-20 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			

**Funding Sources**

General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

--

**Staffing Impacts**

<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A – I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

--

<b>Attachments:</b>
Exhibit A: Resolution Terminating Emergency Contracting Procedures for Removal of Dangerous Vegetation from County Rights-of-Way
<b>Related Items “On File” with the Clerk of the Board:</b>
None



County of Sonoma  
State of California

Resolution No.

575 Administration Drive  
Santa Rosa, California

Date: 12/19/2017

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, TERMINATING THE SUSPENSION OF COMPETITIVE BIDDING REQUIREMENTS AND THE CORRESPONDING DELEGATION OF AUTHORITY TO THE DIRECTORS OF GENERAL SERVICES AND TRANSPORTATION AND PUBLIC WORKS CONFERRED BY RESOLUTION NOS. 17-0415 AND 17-0392, RESPECTIVELY (4/5THS VOTE REQUIRED)**

**WHEREAS**, conditions of extreme peril to the safety of persons and property arose within the County caused by threat of the existence of multiple fires, referred to as the Sonoma Complex Fire, commencing on or about midnight on the 8<sup>th</sup> day of October, 2017, at which time the Board of Supervisors of the County of Sonoma was not in session; and

**WHEREAS**, the County Administrator of the County of Sonoma did proclaim the existence of a local emergency within the Sonoma County Operational Area on the 9th day of October, 2017 and then made another proclamation with a request that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster; and

**WHEREAS**, on October 10, 2017, this Board ratified the Proclamation, to continue the local emergency, make available to the County/Operational Area state and local mutual aid, and allow for any state emergency funding if it is made available; and

**WHEREAS**, the scope of disaster caused by the fast-moving and widespread scope of the destruction of the fire, including loss of many homes and evacuation of thousands of people, has caused the Governor of the State of California to proclaim a State of Emergency and declare eligibility for Fire Management Assistance Grant and other relief programs; and

**WHEREAS**, the multiple fires also resulted in a Presidential Declaration of Major Disaster and eligibility for Federal Emergency Management Agency (FEMA) relief; and

**WHEREAS**, on October 17, 2017, the Director of Transportation and Public Works submitted an agenda report to the Board demonstrating that dangerous vegetation had accumulated along numerous county rights-of-way and posed an immediate threat to public health and safety due to the Sonoma Complex Fires and the impending rainy season; and

**WHEREAS**, the purpose of removing trees from the County Right-of-Way and fire damaged trees and vegetation was to: (a) keep roads open, (b) protect first responders, agency staff, and the public from falling limbs and collapsing trunks, and (c) maintain critical access for first responders in all fire affected areas in the unincorporated territory of the County of Sonoma; and

**WHEREAS**, there was also an urgent need in advance of winter rains for hydroseeding which is a process of planting seeds that germinate quickly in fire damaged areas that are unstable due to a loss of brush and tree cover which would normally prevent erosion and slides; and

**WHEREAS**, on October 17, 2017, this Board adopted Resolution No. 17-0392, finding and declaring an emergency need to remove dangerous vegetation from County rights-of-way and for stabilization of hillsides, embankments, and fire burned areas, and authorized the Director of Transportation and Public Works to execute contracts for this emergency work without engaging in competitive bidding; and

**WHEREAS**, there was also an immediate need due to the Sonoma complex Fires to (i) install utilities and appurtenances necessary for the installation of FEMA trailers and the Vista Clinic that provides medical services mostly to low income, Medi-Cal, and uninsured populations within the County of Sonoma, (ii) provide essential public services, (iii) assist in the recovery process, and (iv) abate other dangerous conditions that had arisen in or near County facilities; and

**WHEREAS**, on October 24, 2017, this Board adopted concurrent Resolution No. 17-0415, finding and declaring an emergency need to perform emergency work to abate and stabilize dangerous conditions from County property and install certain utilities and appurtenances necessary to facilitate the County's disaster, and authorized the Director of General Services to execute contracts for this emergency work without engaging in competitive bidding; and



**WHEREAS**, this Board subsequently extended the emergency contracting authority conferred upon the Director of Transportation and Public Works and the Director of General Services for consecutive 14 day periods through the adoption of concurrent Resolution No. 17-0433 on November 7, 2017, the adoption of concurrent Resolution No. 17-0452 on November 21, 2017, and most recently through the adoption concurrent Resolution No. 17-0454 on December 5, 2017; and

**WHEREAS**, the Director of Transportation and Public Works has informed the Board that the emergency work authorized by Resolution No. 17-0392 (as subsequently extended) has been completed and recommends that the Board terminate the authority delegated to the Director to enter into contracts for the emergency work without engaging in competitive bidding; and

**WHEREAS**, the Director of General Services has similarly informed the Board that the emergency work authorized by Resolution No. 17-0415 (as subsequently extended) has been completed and recommends that the Board terminate the authority delegated to the Director to enter into contracts for the emergency work without engaging in competitive bidding; and

**WHEREAS**, pursuant to California Public Contract Code section 22050, the Board finds, based upon substantial evidence, that conditions warrant terminating the waiver of the bid process at this time so that the remainder of the work, if any, may be completed under the competitive bid process;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors hereby finds, declares, determines and orders as follows:

1. *Correctness of Recitations.* That the foregoing recitations are true and correct and incorporated herein. Substantial evidence exists that the emergency created by the Complex Fires no longer necessitates the waiver of competitive solicitation of bids for the removal of dangerous vegetation from County rights-of-way.
2. *Termination of Emergency Delegation of Authority.* That the delegation of authority conferred on the Director of the Department of Transportation and Public Works by Resolution No. 17-0392 and on the Director of General Services by Resolution No. 17-0415 is hereby terminated.

3. *Termination of Suspension of Competitive Bidding.* That the conditions warranting the suspension of the requirements of public bidding contained in the Public Contract Code have passed and it is appropriate to terminate the suspension of competitive bidding authorized by Resolution No. 17-0392 for the Department of Transportation and Public Works and the suspension of competitive bidding authorized by Resolution No. 17-0415 for the Department of General Services at this time.
4. *Ratification of Director's Actions.* All acts previously taken by the Director of Transportation and Public Works pursuant to the authority delegated by Resolution No. 17-0392 and all acts previously taken by the Director of General Services pursuant to the authority delegated by Resolution No. 17-0415 are hereby ratified.

**PASSED AND ADOPTED** by the Board this 19th day of December, 2017.

**SUPERVISORS:**

Gorin            Rabbitt            Gore            Hopkins            Zane

Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Absent \_\_\_\_\_ Abstain \_\_\_\_\_

**SO ORDERED**

Resolution No. \_\_\_\_\_



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 8**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 19, 2017

**Vote Requirement:** Majority

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:**

Dean Parsons 565-1948

**Supervisory District(s):**

County-wide

**Title:** Planning Consultant Contract Amendment – Land Logistics

### **Recommended Actions:**

Authorize the Director of Permit Sonoma to execute an amendment to an agreement with planning consultant, Land Logistics, Inc., extending the term from June 22, 2018 to December 31, 2019, and increasing the contract amount by \$400,000 resulting in a new not-to-exceed amount of \$760,000 (costs to be reimbursed by project applicants).

### **Executive Summary:**

The Project Review Division processes planning applications submitted to Permit Sonoma. The Department is currently in contract with Land Logistics Inc., a planning consulting firm. The initial \$175,000 contract was approved by the Board of Supervisors on June 23, 2015, and it was subsequently amended February 7, 2017 by increasing the contract amount by \$185,000, resulting in a not to exceed amount of \$360,000. The contract currently ends June 22, 2018 but the amended \$185,000 contract amount has almost been exhausted due to workload which includes processing applications for Cannabis, Use Permits, Subdivisions, Design Review, and mining. Much of the recent increase in applications is associated with the 100 Cannabis applications received since July 5, 2017, and we estimate 100 additional Cannabis applications in the remaining fiscal year. Permit Sonoma is also in contract with e360 Inc. who also assists in processing planning applications. The services of both contractors is necessary to process planning applications in a timely manner. This amended contract is for a temporary two-year period.

### **Discussion:**

Coupled with an increase in applications, another trend affecting workload is the increased complexity and level of controversy for planning applications. For example, an application for a winery with events typically requires significant analysis of neighborhood compatibility, traffic, groundwater and noise impacts. Such projects also require preparation of detailed environmental review documents such as a Mitigated Negative Declaration or an Environmental Impact Report.

Additionally, Permit Sonoma has received 100 Cannabis applications since we started accepting them July 5, 2017. We have also received 435 Cannabis penalty relief forms from applicants requesting a time extension to submit a complete Cannabis application by June 1, 2018. It is estimated that we will receive approximately 100 more Cannabis applications by the June 1, 2018 deadline.

Historically, work of this nature is completed by the most experienced planners, but due to a significant increase in the number of planning applications coupled with the loss of experienced planning staff over the last two years, additional consultant assistance is necessary to process planning applications in a timely manner. We have replaced vacant planner positions but new staff requires considerable training to process more complex projects. The Department does not currently have the capacity to manage this increase in complex projects in a timely manner without contractor assistance.

Permit Sonoma also has an existing contract with e360 LLC and they continue to provide assistance in processing planning applications. A separate contract amendment for e360 LLC is also proposed to increase their contract amount by \$400,000 with an additional two-year term.

As explained above, our current contract with Land Logistics Inc. in the amount of \$185,000 is nearly exhausted. For that reason, staff recommends an amended contract for an additional \$400,000 and a time extension for two additional years (extend the end date of the contract term from June 22, 2018 to December 31, 2019). As explained below, Permit Sonoma contracts for planning services but associated costs are reimbursed by project applicants at no cost to the County.

**Prior Board Actions:**

June 23, 2015: the Board of Supervisors approved a two-year, \$175,000 contract ending June 22, 2017.  
February 7, 2017: The Board of Supervisors approved an amended contract to increase the contract amount an additional \$185,000 (total not-to-exceed \$360,000) and extend the contract term to June 22, 2018.

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

Timely and thorough processing of planning applications ensures that the entitlement process meets mandated timelines while providing high quality projects that comply with State environmental requirements. A thorough review of planning applications ensures that all potential project impacts have been identified and that the suitability of development projects can be accurately assessed with the safety and well-being of the community in mind.

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses	\$100,000	\$200,000	\$100,000
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$100,000</b>	<b>\$200,000</b>	<b>\$100,000</b>
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$100,000	\$200,000	\$100,000
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$100,000</b>	<b>\$200,000</b>	<b>\$100,000</b>
<b>Narrative Explanation of Fiscal Impacts:</b>			
<p>The estimated need for these services will not exceed \$400,000 over the approximate two-year term of the contract. While Permit Sonoma contracts for these services, they are reimbursed by project applicants at no cost to the County.</p> <p>Anticipated expenditure for FY17-18 is \$100,000; anticipated expenditure for FY18-19 is \$200,000; and anticipated expenditure for FY19-20 is \$100,000. Since Permit Sonoma began accepting Cannabis applications July 5, 2017, Land Logistics work is 13% Cannabis and 87% non-cannabis. However, these percentages represent less than half the fiscal year. For FY18-19, Land Logistics is likely to process approximately 50% cannabis/50% non-cannabis planning applications.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
None.			
<b>Attachments:</b>			
None.			

<b>Related Items “On File” with the Clerk of the Board:</b>
Professional Services Agreement and Amendment #1 with Exhibits



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 9**  
(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 19, 2017

**Vote Requirement:** Majority

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:**

Dean Parsons 565-1948

**Supervisory District(s):**

County-wide

**Title:** Planning Consultant Contract Amendment – e360 LLC

### **Recommended Actions:**

Authorize the Director of Permit Sonoma to execute an amendment to an agreement with planning consultant, e360 LLC, extending the term from September 30, 2018 to December 31, 2019, and increasing the contract amount by \$400,000 resulting in a new not-to-exceed amount of \$575,000 (costs to be reimbursed by project applicants).

### **Executive Summary:**

The Project Review Division processes planning applications submitted to Permit Sonoma. The Department is currently in contract with e360 LLC consulting firm ending in September 30, 2018 but the current \$175,000 contract amount has almost been exhausted due to assigned workload. Much of the recent increase in applications is associated with the 100 Cannabis applications received since July 5, 2017, and we estimate 100 additional Cannabis applications in the remaining fiscal year. Permit Sonoma is also in contract with Land Logistics Planning and Development Services who also assists in processing planning applications. The services of both contractors is necessary to process planning applications in a timely manner. This amended contract is for a temporary two-year period.

### **Discussion:**

Coupled with an increase in applications, another trend affecting workload is the increased complexity and level of controversy for planning applications. For example, an application for a winery with events typically requires significant analysis of neighborhood compatibility, traffic, groundwater and noise impacts. Such projects also require preparation of detailed environmental review documents such as a Mitigated Negative Declaration or an Environmental Impact Report.

Additionally, Permit Sonoma has received 100 Cannabis applications since we started accepting them July 5, 2017. We have also received 435 Cannabis penalty relief forms from applicants requesting a time extension to submit a complete Cannabis application by June 1, 2018. It is estimated that we will receive approximately 100 more Cannabis applications by the June 1, 2018 deadline.

Historically, work of this nature is completed by the most experienced planners, but due to a significant increase in the number of planning applications coupled with the loss of experienced planning staff over the last two years, additional consultant assistance is necessary to process planning applications in a timely manner. We have replaced vacant planner positions but new staff requires considerable training to process more complex projects. The Department does not currently have the capacity to manage this increase in complex projects in a timely manner without contractor assistance.

Permit Sonoma also has an existing contract with Land Logistics Planning & Development Services and they continue to provide assistance in processing planning applications. A separate contract amendment for Land Logistics is also proposed to increase their contract amount by \$400,000 with an additional two-year term.

As explained above, our current 2-year contract with e360 LLC is in the amount of \$175,000 and that amount is nearly exhausted. For that reason, staff recommends an amended contract for an additional \$400,000 with a time extension for just over two additional years (extend the end date of the contract term from September 30, 2018 to December 31, 2019). As explained below, Permit Sonoma contracts for planning services but associated costs are reimbursed by project applicants at no cost to the County.

**Prior Board Actions:**

December 13, 2016: The Board of Supervisors approved the existing contract (#16/17-013)

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

Timely and thorough processing of planning applications ensures that the entitlement process meets mandated timelines while providing high quality projects that comply with State environmental requirements. A thorough review of planning applications ensures that all potential project impacts have been identified and that the suitability of development projects can be accurately assessed with the safety and well-being of the community in mind.



Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses	\$100,000	\$200,000	\$100,000
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$100,000</b>	<b>\$200,000</b>	<b>\$100,000</b>
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$100,000	\$200,000	\$100,000
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$100,000</b>	<b>\$200,000</b>	<b>\$100,000</b>
<b>Narrative Explanation of Fiscal Impacts:</b>			
<p>The estimated need for these services will not exceed \$400,000 over the approximate two-year term of the contract. While Permit Sonoma contracts for these services, they are reimbursed by project applicants at no cost to the County.</p> <p>Anticipated expenditure for FY17-18 is \$100,000; anticipated expenditure for FY18-19 is \$200,000; and anticipated expenditure for FY19-20 is \$100,000. Since Permit Sonoma began accepting Cannabis applications July 5, 2017, e360 work is currently 27% Cannabis and 73% is non-Cannabis. However, these percentages represent less than half the fiscal year. For FY18-19, e360 is likely to process approximately 50% Cannabis/50% non-Cannabis work.</p>			
Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
None.			
<b>Attachments:</b>			
None.			

<b>Related Items “On File” with the Clerk of the Board:</b>
Professional Services Agreement and Amendment #1 with Exhibits



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

### Agenda Item Number: 10

(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 19, 2017

**Vote Requirement:** Majority

**Department or Agency Name(s):** Permit and Resource Management Department (Permit Sonoma)

**Staff Name and Phone Number:**

Traci Tesconi 565-1903

**Supervisory District(s):**

Fourth

**Title:** Land Conservation Act Contract; Peter Michael Winery, a California Corporation; AGP14-0201

### Recommended Actions:

Adopt a resolution to approve the requested Land Conservation Contract replacement (Williamson Act Contract) and attached Land Conservation Plan for the property located at 12400 Ida Clayton Road, Calistoga, APN: 120-040-019, -018, & -015; Supervisory District 4; PRMD File No. AGP14-0201.

### Executive Summary:

This is a request to execute a new non-prime Land Conservation Act contract on the 499 acre parcel as a condition of a previously approved Lot Line Adjustment (LLA10-0018). The recorded Lot Line Adjustment resulted in an equal exchange of 1.4 acres resulting in no change to the original parcel sizes. The subject parcel is already under a contract, therefore, this action would rescind the original Non-Prime contract and replace it with a new Non-Prime contract. Also the action does not require a modification to the Agricultural Preserve Area (2-400) because the 1.4 acres of land added to the subject parcel was under the same Agricultural Preserve Area. The subject parcel is located in Knights Valley and contains a combination of commercial vineyard, a small olive orchard, and open space land; along with a winery, a tasting room, and residences. Authorizing a new replacement Land Conservation Act Contract provides for the preservation of a large parcel that contains agricultural and open space land. In exchange for retaining land in commercial agricultural production and open space, the landowner receives reduced property taxes.

### Discussion:

#### Project Description, Location, and Zoning:

Peter Michael Winery seeks approval of a replacement non-prime Land Conservation Act Contract for the 499 acre parcel, containing 126 acres of vineyard, 2 acres of olives, and 366 of open space land. The replacement contract was required by a previously approved Lot Line Adjustment (LLA10-0018). The subject parcel has been under a non-prime contract (2-400-71; 2534/454) since 1971. Redwood Creek and Kellogg Creek border the entire easterly property line boundary of the project site. The project site is located along a section of Highway 128, a state scenic corridor, in Knights Valley, approximately 5

miles west of Calistoga. The project site is comprised of three Assessor Parcel Numbers (APN 120-040-019, -018, & -015) but is one legal parcel of record. The project site is zoned LEA (Land Extensive Agriculture) B6 100 acre density, with combining districts of BH (Biotic Habitat), RC (Riparian Corridor) 50/50 and 100/50, SR (Scenic Resource), and VOH (Valley Oak Habitat). The project site contains a large commercial vineyard, a small olive orchard, oak woodlands, native grassland, rolling hills, serpentine soils, and borders on the easterly property line a blue-line creek.

**Background:**

As part of the Board of Supervisors' December 2011 update of the *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones* ("Uniform Rules") the Board eliminated the distinction between Prime (Type I) and Non-Prime (Type II) Agricultural Preserves. This allows the County to enter into either a Prime or Non-Prime contract in any established Preserve. The subject parcel remain under established Preserve Number 2-400.

As part of the update of the Uniform Rules, the County has implemented use of a Land Conservation Plan which is incorporated into a Land Conservation (Williamson) Act Contract. Land Conservation Plans show locations of various agricultural, open space, permitted, and compatible land uses on contracted land. Future changes to the Land Conservation Plan may be approved by the Director of PRMD and recorded on title of the subject parcel.

**Replacement of a Non-Prime Land Conservation (Williamson) Act Contract:**

As required as a condition of the previously approved Lot Line Adjustment (LLA10-0018), Peter Michael Winery had to file for a replacement contract to coincide with the new property line boundaries. The Board approved LLA10-0018 on February 25, 2014 (Resolution No 14-0063). The subject parcel qualifies for the non-prime contract because it is 499 acres in size, exceeding the 40- acre minimum parcel size requirement. Over 50% of the total parcel is dedicated to a combination of permanent crops (vineyard and olives) and open space uses. The vineyard alone provides an annual income that exceeds the total gross annual income of \$2,000.00 per year and the per acre income of \$2.50 minimum requirements for a non-prime contract. Furthermore, the compatible use area for the winery use, tasting room, and residences do not exceed 5 acres.

**Staff Recommendation:**

Staff recommends the Board approve the request because all the state and local requirements for the replacement Non-Prime Land Conservation Act Contract for the 499 acre parcel have been met.

**Prior Board Actions:**

On December 13, 2011, the Board approved the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Resolution No. 11-0678).  
On February 25, 2014, the Board approved Lot Line Adjustment (LLA10-0018), Resolution No. 14-0063.

**Strategic Plan Alignment      Goal 2: Economic and Environmental Stewardship**

Agricultural Preserves and Land Conservation Act Contracts support agriculture and agribusiness by assisting in the preservation of agricultural and open space land through the incentive of reduced property taxes in exchange for retaining the land in agricultural production and/or open space.

Fiscal Summary			
Expenditures	FY 17-18 Adopted	FY 18-19 Projected	FY 19-20 Projected
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			
<b>Narrative Explanation of Fiscal Impacts:</b>			
<p>Approval of the Land Conservation Act Contract means that the owner will pay a reduced property tax assessment based upon the value of the agricultural uses rather than the land value under Proposition 13. This results in a reduction in the County's share of property tax revenue for each parcel under a Land Conservation Act Contract. The amount of this reduction for an individual contract depends on parcel-specific variables including the Proposition 13 status of the land and the value of the agricultural crop, and is determined annually by the Assessor's office. For this particular replacement contract, the Assessor estimates the property assessment value remain unchanged since the parcel size remains the same and the agricultural and open space values remain unchanged. Property taxes are generally 1.1% of assessed value. The Board has not requested, and staff does not recommend, evaluating property tax revenue implications on a contract-by-contract basis. Instead, the Board has directed that, as a policy matter, approving new contracts is important to the County's agricultural economy and outweighs the cost in reduced property tax revenue.</p>			
<b>Staffing Impacts</b>			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			

<b>Attachments:</b>
Draft Board of Supervisors Resolution
<b>Related Items “On File” with the Clerk of the Board:</b>
Land Conservation Act Contract with attached Exhibit A (legal description) and Exhibit B (Land Conservation Plan with attached Site Plans).



# County of Sonoma

## State of California

Date: December 19, 2017

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_



4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Approving The Request By Peter Michael Winery, A California Corporation, To Rescind The Original Contract And Replacement It With A New Land Conservation Act Contract And Attached Land Conservation Plan; And Authorize The Chair To Execute The New Land Conservation Act Contract And Land Conservation Plan, For Non-Prime Land Consisting Of A Combination Of Agricultural Land And Open Space, Located At 12400 Ida Clayton Road, Calistoga, APN: 120-040-019, -018, & -015.**

**Whereas**, a request has been made by the property owner, Peter Michael Winery, a California Corporation, to authorize the Chair to rescind the original contract and replace it with a new Land Conservation Act Contract and attached Land Conservation Plan, for a combination of agricultural land and open space, located at 12400 Ida Clayton Road, Calistoga; APN 120-040-019,-018, and -015, Supervisorial District No. 4; and,

**Whereas**, on December 13, 2011, the Board of Supervisors adopted the updated *Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules)* (Resolution No. 11-0678); and,

**Whereas**, consistent with the *Uniform Rules*, County Counsel has revised the Land Conservation Act Contract form, which now incorporates a Land Conservation Plan identifying the various uses of the contracted land. Future changes to identified land uses require amendment of the Land Conservation Plan. The Board, pursuant to Resolution No. 11-0678, has authorized the Director of Permit Sonoma to approve amendments to executed Land Conservation Plans; and,

**Whereas**, the Board of Supervisors finds that the 499 acre parcel will meet the requirements for a replacement Non-Prime (Type II) Land Conservation Act Contract.

**Now, Therefore, Be It Resolved** that the Board of Supervisors makes the following specific findings concerning the requirements for a new Non-Prime (Type II) Land Conservation Act Contract ("Contract"):

1. Pursuant to Section 15317 of the CEQA Guidelines, the project is Categorically Exempt from CEQA.
2. Land is within an Agricultural Preserve: The 499 acre parcel is located within Agricultural Preserve 2-400.
3. Agricultural Use of the Land: In Sonoma County this means that at least 50 percent of the land is used for agricultural or open space purposes, unless there is an applicable exception. The 499 acre parcel is planted with 128 acres of vineyard and contains 366 acres of open space land located along state scenic corridor and borders along a riparian corridor of a blue-line creek; and contains oak woodlands, native grasslands, rolling hills, and serpentine soils. The combination of agricultural (cultivation) and open space areas exceeds the 50 percent requirement.
4. Single Legal Parcel Requirement: The subject parcel proposed for the replacement contract is comprised of a single legal parcel with the following Assessor's Parcel Number: APN 120-040-019,-018, and -015.
5. Minimum Parcel Size: The land must be at least 40 acres in size for a Non-Prime Land Conservation Act Contract. The 499 acre parcel exceeds the minimum parcel size requirement.
6. Minimum Income Requirement: For Non-Prime contracts, the minimum gross annual income requirement is \$2,000.00 and \$2.50 gross income per acre. For vineyard land, the minimum income requirement is \$1,000.00 gross per acre. The vineyard averages \$8,000.00 per acre per year thus exceeding both the annual and per acre minimum gross income requirements.
7. Non-Agricultural Compatible Uses: Non-agricultural uses of the land must be listed in the Uniform Rules as compatible uses and collectively, cannot occupy more than 15 percent or 5 acres of the total parcel size, whichever is less, excluding public roads, private access roads, and driveways. For this parcel, the 5 acre threshold would apply. The parcel contains a winery with a barrel storage, a cellar building, a tasting room and office building, parking areas, a barn, a primary residence, a farm family residence, two agricultural employee residences, and a solar array. The total compatible use area consists of approximately 4.5 acres and does not exceed the compatible use threshold under the contract.
8. Non-Prime Contracts: For any parcel to be placed under a Land Conservation (Williamson) Act Contract, a minimum of 50 percent of the land must be continuously used or maintained for agricultural uses, open space uses, or a combination of agricultural and open space uses (Rule 4.2, A-1). For the subject parcel, a non-prime contract is appropriate for the



combination of agricultural and open space uses. The subject parcel contains 126 acres of vineyard, 2 acres of a small olive orchard, and 366 acres of open space. The vineyard was planted in 1989 and olive orchard was planted in 1995. The vineyard alone has produced the required income for the last five years, and therefore meets the definition of Prime Agricultural Land.

**Be It Further Resolved** that the Board of Supervisors finds the requested action categorically exempt from the California Environmental Quality Act pursuant to Section 15317, of the State CEQA Guidelines, which provides that executing a new Land Conservation Act Contract is exempt from the California Environmental Quality Act.

**Be It Further Resolved** that the Board of Supervisors hereby grants the request by Peter Michael Winery, a California Corporation, by approving rescinding the original contract and replacing it with a new Non-Prime Land Conservation Act Contract and attached Land Conservation Plan, to restrict the 499 acre parcel located at Located At 12400 Ida Clayton Road, Calistoga, APN: 120-040-019, -018, & -015.

**Be It Further Resolved** that the Board of Supervisors authorizes the Chair of the Board of Supervisors to execute the Land Conservation Act Contract and attached Land Conservation Plan.

**Be It Further Resolved** that the Clerk of the Board of Supervisors is hereby instructed to record within 20 days and no later than December 31, 2017 (1) this Resolution and Attachment A (the Agricultural Preserve Map) and (2) the associate Land Conservation Act Contract and attached Land Conservation Plan with the Office of the Sonoma County Recorder.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based, including the original executed Contract an Land Conservation Plan. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Resolution #  
December 19, 2017  
Page 4

**Supervisors:**

Gorin:

Rabbitt:

Gore:

Hopkins:

Zane:

Ayes:

Noes:

Absent:

Abstain:

**So Ordered.**



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 11**

(This Section for use by Clerk of the Board Only.)

**To:** Board of Supervisors

**Board Agenda Date:** December 19, 2017

**Vote Requirement:** Majority

**Department or Agency Name(s):**

**Staff Name and Phone Number:**

Supervisor Shirlee Zane  
(707) 565-2241

**Supervisory District(s):**

Third District

**Title:** Appointment

**Recommended Actions:**

Approve the appointment of Caryl Hart to the North Coast Railroad Authority Board for a 2 year period ending on December 12, 2019.

**Executive Summary:**

Approve the appointment of Caryl Hart to the North Coast Railroad Authority Board for a 2 year period ending on 12/12/19.

**Discussion:****Prior Board Actions:**

.

**Strategic Plan Alignment** Goal 4: Civic Services and Engagement

Fiscal Summary			
Expenditures	FY 16-17 Adopted	FY 17-18 Projected	FY 18-19 Projected
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			
<b>Narrative Explanation of Fiscal Impacts:</b>			
<b>Staffing Impacts</b>			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
<b>Narrative Explanation of Staffing Impacts (If Required):</b>			
<b>Attachments:</b>			
Sponsorship Form			
<b>Related Items “On File” with the Clerk of the Board:</b>			



## County of Sonoma Agenda Item Summary Report

Clerk of the Board  
575 Administration Drive  
Santa Rosa, CA 95403

**Agenda Item Number: 12**

(This Section for use by Clerk of the Board Only.)

**To:** Sonoma County Board of Supervisors

**Board Agenda Date:** December 19, 2017

**Vote Requirement:** Majority

**Department or Agency Name(s):** Human Services, Health and Probation Departments

**Staff Name and Phone Number:**

Oscar Chavez, 707-565-3812

**Supervisory District(s):**

All

**Title:** Sonoma County 2-1-1 update

**Recommended Actions:**

Accept information report on the current status, challenges and future of Sonoma County's 2-1-1 Information and Referral system.

**Executive Summary:**

Sonoma County 2-1-1 is the designated information and referral call center provider for the County, and serves to connect residents in need to non-emergency health and human service resources and programs. Increased service demand over the years along with limited funding for staffing and changing technology have hampered 2-1-1's ability to meet the growing needs of the community.

**Discussion:**

In July 2000, the Federal Communications Commission (FCC) reserved the 2-1-1 dialing code for community information and referral services. The FCC intended the 2-1-1 code as an easy-to-remember, universally recognizable number that enables a critical connection between residents in need to non-emergency health and human service resources. The FCC charged each state with implementing the 2-1-1 program.

In California, the California Public Utilities Commission (CPUC) authorizes one qualifying local agency in each County to host the 2-1-1 program. For Sonoma County, the CPUC designated the Volunteer Center of Sonoma County as the 2-1-1 Information and Referral provider.

Locally, Sonoma County 2-1-1 maintains a database of 543 community-based organizations that link the community to 1,247 free or low cost programs. Information about local and regional health and human service providers is available 24 hours a day, 7 day a week through an online searchable database or by calling 2-1-1 to speak with a Certified Information and Referral Specialist. Evening and weekend calls are

routed and handled by the San Bernardino County 2-1-1 provider.

Information collected over the past five years shows housing as the most requested need followed by incomes supports and assistance, legal and public safety services, food assistance and health care. Each call and web visit made to 2-1-1 is logged and tracked through an electronic data management system. The electronic data management system collects and tracks data on the types of calls and web visits, frequent referrals, unmet needs, demographic information of callers and emergency trends. Each month, 2-1-1 Sonoma County creates a report for service providers and the public detailing how 2-1-1 is used. The monthly report may be found on the 2-1-1 website.

In 2016, 2-1-1 received a total of 20,029 distinct calls. The peak months are February through April when 8,273 calls were made to 2-1-1 for assistance in making tax preparation appointments for the Earn it, Keep it, Save it program. Monthly follow-up calls are made to roughly ten percent of the calls received to assess caller satisfaction and to see if the caller's needs were met. Since January 2017, 2-1-1 has received over 21,267 calls. 3,397 calls were received during the month of October. The majority of those calls were related to the October wildfire relief efforts.

### **Sonoma County 2-1-1 in Times of Emergency and Natural Disaster**

During times of emergency or natural disaster, 2-1-1 has played an important role in supporting the community by providing disaster related information to individuals and vulnerable populations. During the recent fires in Sonoma County, 2-1-1 received 2,788 disaster related calls for assistance or information requests. 2-1-1 assisted the county and city emergency operation centers in disseminating information and press releases related to the fires. Crucially, 2-1-1 directed callers to evacuation locations, food distribution sites, volunteer opportunities, FEMA resources, disaster CalFresh and special assistance for vulnerable populations.

Sonoma County 2-1-1 also played a part in the August 2015 Lake County fires. 2-1-1 was asked by the EOC to serve Lake County since there is no 2-1-1 provider there. 2-1-1 fielded 1,499 disaster related calls between the months of August to November. 2-1-1 Information and Referral Specialists took damage assessments on properties; provided information and referrals for housing, shelter, food, animal welfare, and disaster relief; as well as providing many residents' first-hand information about the status of their homes.

After major flooding in the Russian River in December of 2014, 2-1-1 responded to sixty-nine flood-related calls and provided critical information to homeowners with flood damage.

In times of emergency and disaster, 2-1-1 systems across the country are critical tool for successful disaster response. To continue to provide efficient and effective services to residents, Sonoma County must ensure our local 2-1-1 system is adequately staffed and funded.

### **Funding and Organizational Structure**

In Fiscal Year 2016/2017, 2-1-1's total operating budget was \$393,808. Over half of the total budget (\$209,808) was provided by the Human Services Department, which funded 2-1-1 to provide Cal Fresh

outreach and application assistance, Affordable Care Act application assistance, and scheduling for tax assistance preparation. \$95,000 was provided by United Way of the Wine Country for tax preparation scheduling and core support and \$89,000 was raised through local philanthropy.

2-1-1 is staffed by a full-time manager, one full-time Lead Information and Referral Specialist, two half-time Information and Referral Specialists, one part-time Database Coordinator and one Volunteer Call Specialist and two Season of Sharing volunteers.

### **Sonoma County 2-1-1 Programmatic Challenges**

Attracting revenue from public and private sectors to sustain and grow 2-1-1 has been a challenge for the Volunteer Center. In an effort to garner funding support from local cities, 2-1-1 presented information to each of the cities on the number of calls and people served in their communities. While city staff saw the value 2-1-1 provided to their residents, no funding commitments were made. Many funders and private foundations are focused on funding direct client services. Few invest in core operating support.

2-1-1 is not sufficiently staffed to meet current workload and call center service demand. One consequence of staff shortages is that 2-1-1's database of program information is not updated frequently with current and up to date information. 2-1-1 relies on non-profit agencies to update program information as programs change or as new programs begin. This has been a challenge as non-profit agencies have limited staff support to monitor and update their information on the 2-1-1 database. 2-1-1 is looking for ways to improve and automate the process of updating program information to ensure that the information collected is current and accurate.

Many residents and organizations are unaware that 2-1-1 exists, especially in the outlying communities. With limited staff and no funding for outreach and marketing, 2-1-1 has struggled to effectively engage rural residents and keep a visible presence in the community. 2-1-1 primarily relies on non-profit and government agencies to make referrals. Outreach and marketing of 2-1-1's valuable services to high-need, rural parts of the County will require more staff resources.

Technology is critical to maintaining the 2-1-1 call center and online database. 2-1-1 is financially challenged with the costs of upgrading the current 2-1-1 system. As demand for mobile information access increases, 2-1-1 will need to expand how people and organizations access information to remain relevant and viable as an information and referral system.

### **The future of Sonoma County 2-1-1**

In order to maintain a robust, accurate and responsive Information and Referral system, 2-1-1 needs to invest in new technology to maintain and improve its call center software and web enabled database. 2-1-1 will begin the Alliance of Information & Referral Systems (AIRS) National Accreditation renewal process in 2018. The AIRS Accreditation assesses the ability of an Information and Referral program to demonstrate full compliance with the AIRS Standards for Professional Information and Referral and serves as the primary quality assurance mechanism for affirming information and referral excellence.

To sustain and grow its operating budget 2-1-1 will continue its efforts to secure additional service contracts with local cities and other county departments and will pursue additional funding

opportunities.

Recently, 2-1-1 submitted a grant application to the Bay Area Urban Areas Security Initiative (UASI) with support from Sonoma County Fire & Emergency Services Department. This grant seeks to upgrade the iCarol database system, provide a 2-1-1 app, and enhanced database reporting features.

To better understand and respond to changing community needs and available resources, 2-1-1 plans to expand geographic representation of services by increasing staff participation in provider groups (recent examples include: the regional mapping project with the Health Care Foundation of Northern Sonoma County, and Sonoma Valley Transportation roundtable).

Sonoma County 2-1-1 recognizes the need to have a robust and responsive information and referral system and welcomes the opportunity for assistance and support to ensure that individuals and families seeking information can do so in a timely and responsive manner.

**Prior Board Actions:**

June 13, 2017: Approval of one year contract in the amount of \$209,808 to provide outreach and application assistance for CalFresh.

**Strategic Plan Alignment**      Goal 1: Safe, Healthy, and Caring Community

The mission of Sonoma 2-1-1 is to provide relevant, accurate, and up to-to-date information and referral services to individuals and families in need.

**Fiscal Summary**

<b>Expenditures</b>	<b>FY 17-18 Adopted</b>	<b>FY 18-19 Projected</b>	<b>FY 19-20 Projected</b>
Budgeted Expenses	0	0	0
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Funding Sources**

General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Narrative Explanation of Fiscal Impacts:**

N/A



Staffing Impacts			
Position Title (Payroll Classification)	Monthly Salary Range (A – I Step)	Additions (Number)	Deletions (Number)
N/A			
Narrative Explanation of Staffing Impacts (If Required):			
N/A			
Attachments:			
None			
Related Items “On File” with the Clerk of the Board:			
None			



County of Sonoma  
Permit & Resource Management Department

***Sonoma County Landmarks Commission***

***ACTIONS***

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

Date: December 5, 2017

**ROLE CALL**

Patricia Cullinan, First District  
Stephanie McAllister, Second District  
Bryan Much, Third District  
Debra Watts, Fourth District  
Peter Jenny, Fifth District

**STAFF MEMBERS**

Brian Keefer, Planner III  
Chelsea Holup, Secretary

**REGULAR CALENDAR**

Item No.: 1  
Time: 3:00 PM  
File: ADR16-0046  
Applicant: Jeff Morse  
Staff: Brian Keefer  
Env. Doc: Categorical Exemption 15301 (Alterations to Existing Facilities) and 15331 (Historical Resource Restoration/Rehabilitation) with no potential for adverse impacts to historic resources  
Proposal: Request for Landmarks Commission Design Review for alterations to a historic structure. Soda Rock Winery, Sonoma County Landmark #192 – Continued from April 5, 2016 and August 15, 2017.  
Location: 8015 Highway 128, Healdsburg  
APN: 132-010-001  
District: 4  
Zoning: LIA (Land Intensive Agriculture) B6 20 acre density, Z (Second Dwelling Unit Exclusion), HD (Historic District), RC50/25 (Riparian Corridor) and SR (Scenic Resource).

Action: Commissioner Much moved to approve option #2 as modified by Conditions of Approval, Seconded by Commissioner Cullinan and passed with a 5-0 vote.

Vote:

Commissioner	Cullinan	Aye
Commissioner	McAllister	Aye
Commissioner	Much	Aye
Commissioner	Watts	Aye
Commissioner	Jenny	Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

Item No.: 2

Time: 3:30 PM

File: Not Applicable

Applicant: Not Applicable

Staff: Brian Keefer

Env. Doc: Not Applicable

Proposal: Discussion of policies and procedures for addressing fire-damaged and destroyed properties with HD designation.

Location: Various

APN: Various

District: Various

Zoning: Not Applicable

Action: Commissioner Cullinan moved to delegate design review to staff for new construction within the fire burn areas, Seconded by Commissioner Much and passed with a 5-0 vote.

Vote:

Commissioner	Cullinan	Aye
Commissioner	McAllister	Aye
Commissioner	Much	Aye
Commissioner	Watts	Aye
Commissioner	Jenny	Aye

Ayes: 5

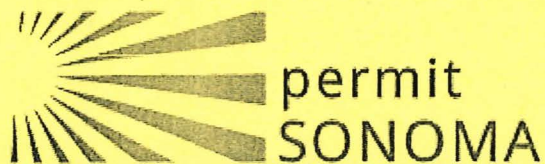
Noes: 0

Absent: 0

Abstain: 0

## OTHER BUSINESS

1. Reports – Commissioners
2. Report – Staff
3. Process Improvements
4. Approval of Minutes



County of Sonoma  
Permit & Resource Management Department

***Sonoma County Board of Zoning Adjustments***  
***ACTIONS***

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

Date: November 30, 2017  
Meeting No.: 17-12

**ROLL CALL**

Greg Carr  
Larry Reed  
Paula Cook  
Pamela Davis  
Willie Lamberson, Chair

**STAFF MEMBERS**

Jennifer Barrett  
Derik Michaelson, Project Planner  
Amanda Rhodes, Secretary  
Leslie Thomsen, County Counsel

**BOARD OF ZONING ADJUSTMENTS REGULAR CALENDAR**

Item No.: 1 (item to be continued off calendar)  
Time: 1:05 PM  
File: UPE16-0027  
Applicant: Jamie Reagan, Down Under Industries, Inc.  
Owner: Ko Ri, Inc.  
Cont. from: N/A  
Staff: Derik Michaelson  
Env. Doc: Categorically exempt  
Proposal: Request for Use Permit approval to open a medical cannabis dispensary and delivery service within a vacant tenant space of an existing shop building located on a one-acre commercial property in northern unincorporated Petaluma.  
Location: 50 Ely Road North, Petaluma CA 94954  
APN: 047-213-003  
District: 2  
Zoning: LC F2 VOH - Limited Commercial (LC) with Floodplain (F2) and Valley Oak Habitat (VOH) Combining Districts

Sonoma County Board of Zoning Adjustments Actions  
November 30, 2017

Action: Commissioner Reed motioned to continue off calendar. Seconded by Commissioner Carr and passed with a 4-0-1 vote.

Appeal Deadline: N/A

**Vote:**

Commissioner Carr	Aye
Commissioner Reed	Aye
Commissioner Cook	Aye
Commissioner Davis	Absent
Commissioner Lamberson	Aye

Ayes:	4
Noes:	0
Absent:	1
Abstain:	0